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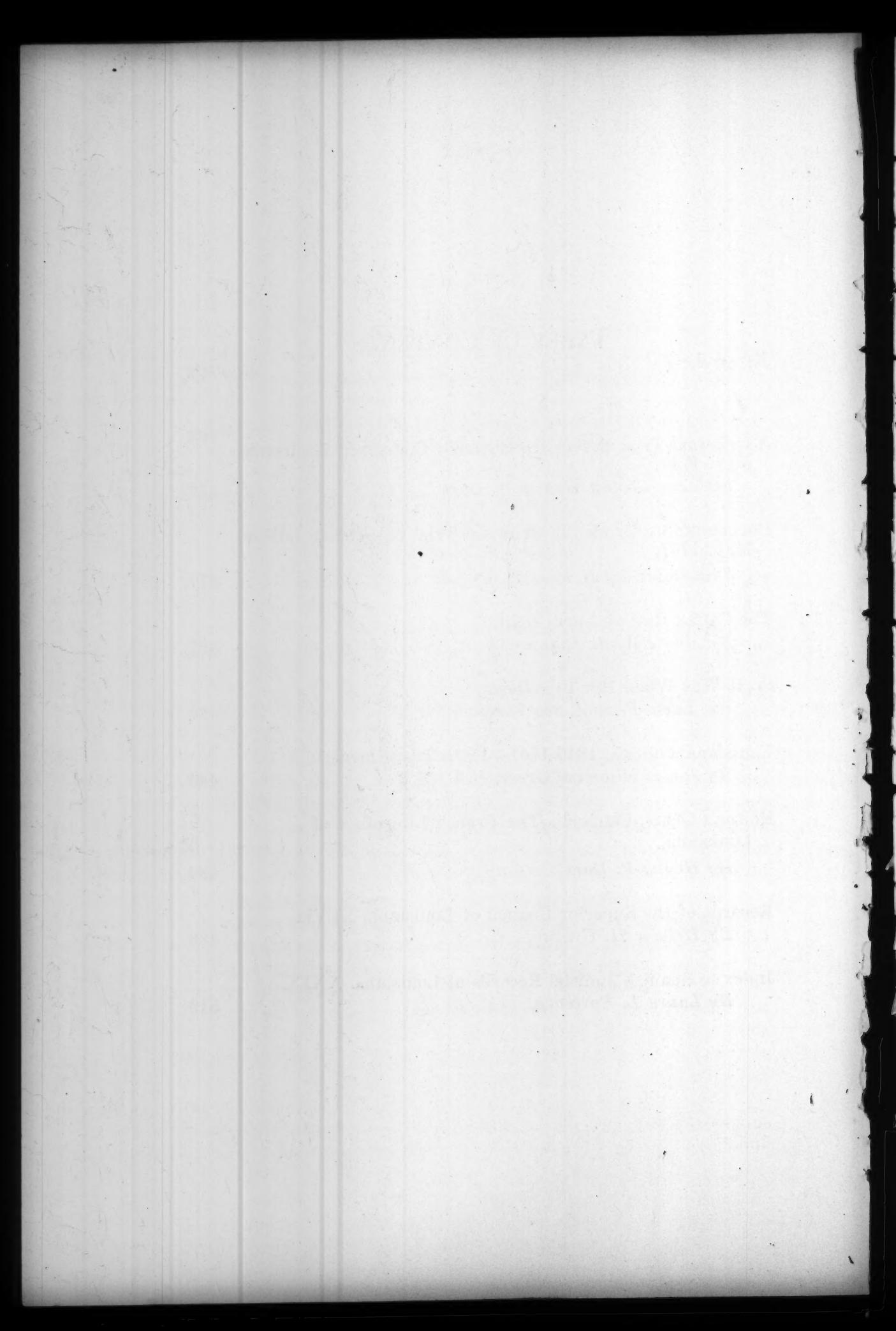
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## TABLE OF CONTENTS

Vol. 13, No. 3

July, 1930

	Page
A Criminal Trial Before the Superior Council of Louisiana, May, 1747, <i>Introduction by Henry P. Dart</i> . . . . .	367
Documents Covering the Criminal Trial of Etienne LaRue, May, 1747, <i>Translated by Heloise H. Cruzat</i> . . . . .	377
The Colfax Riot of April, 1873, <i>By Manie White Johnson, B. A.</i> . . . . .	391
So It Was When Her Life Began, <i>By Lucy Paxton Scarborough</i> . . . . .	428
Louisiana Politics, 1845-1861—Fifth Installment, <i>By James Kimmens Greer, B.A., M.A.</i> . . . . .	444
Editor's Chair, Caulfield's The French Literature of Louisiana, <i>By Henry P. Dart</i> . . . . .	484
Records of the Superior Council of Louisiana, XLVII, <i>By Heloise H. Cruzat</i> . . . . .	488
Index to Spanish Judicial Records of Louisiana, XXIX, <i>By Laura L. Porteous</i> . . . . .	519



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## A CRIMINAL TRIAL BEFORE THE SUPERIOR COUNCIL OF LOUISIANA, MAY, 1747.

*By Henry P. Dart*

### I.

THE SUPERIOR COUNCIL OF LOUISIANA was the center of civic activity in the Ancient French Colony. It was the place of registry of deeds and mortgages, and such registry was the only public notice required by the law of that time, and was as effective as similar registry is today in the Conveyance and Mortgage records of any parish. It was necessary to record Marriage Contracts in the Registry of the Council to preserve the rights of the spouses in donations or other property covenants contained in such acts. A contract of any nature registered in that office made the beginning of proof and sometimes exclusive proof of the same under the rule of evidence prevailing at that time. The estates of decedents were administered in that court and it had exclusive jurisdiction over widows and orphans,—“the tutor of tutors.”

In brief the Superior Council was not only the place where the vital statistics of the colony were preserved but it was also the repository of all documents, papers and agreements needed to establish “rights” and protect property. This was the silent all pervading side of the court, but its spectacular side was its jurisdiction over all causes, civil and criminal. The court held weekly sessions and we can be assured that this feature was well attended and had the same attraction for the population that it has today.

From the beginning of the court in 1712 to the day of its suppression by O'Reilly in 1769, it was composed of laymen, appointed by the King of France and serving at his pleasure.

It was originally intended to have a lawyer in attendance to fill the office of Procureur General (Attorney General) of the Colony, but it was only in 1719 that a licensed advocate was sent over by the King to fill that office. In the interim (1712-1719) it was not filled by a lawyer. The Presiding Officer (called the First Judge) was always the Ordonnateur of the Colony, an officer exercising some of the functions of the Intendant in Canada and in France. He too was a layman usually chosen from the ranks of the Commissaires of France, a body of Civil Servants who were supposed to be qualified by clerical skill and business experience. His purpose in the Colony concerned primarily the handling of its funds and supervision of its Civil and Military expenditures.

The personnel of the court was made up at the start in 1712 of the three principal officers, Governor, Ordonnateur and the Lieutenant in command of the military forces, with two residents of the Colony chosen from those best fitted to exercise judgment and common sense in the determination of the business of the court. From time to time in the years succeeding, changes were made in this body increasing the number of members and again restoring it to the original number, and in 1741, two additional members were added, called Assessors; but none of the changes altered the principle that regulated the composition of this body, namely, a mixed commission of officials and private persons. It will be seen that this judicial body composed entirely of laymen, had many of the characteristics of the contemporary jury of the English colonies and of Great Britain, but it had the advantage of permanency, for changes in the membership were not frequent. A particular feature was the rule of the majority, as it required three to concur in the decision of civil and five in criminal causes.

The position of Councillor in the Superior Council was a coveted honor, conferring dignity, power and rank in the local government. The history of the times shows much wirepulling and occasional playing of politics to attain this honor, but the significant place of the Superior Council in Ancient French Louisiana was that it drew the unofficial members of the community into contact with the operation of government and kept the population in touch with all the questions that interested their fellows. It was naturally in that era an aristocratic body, but with democratic tendencies, due to the fact that its mem-

bership was largely drawn from the ranks of the people. Its weekly sessions were a powerful attraction for a community of limited amusements and in the absence of newspapers, there is no doubt the Registry (Clerk's office) of the Council was the source of all the news of the Colony. The trials, involving the life, liberty and property of the community, must have been at all times a subject of deep interest to everybody and the administration created slowly but surely, a foundation of faith in and respect for the law as dispensed in the tribunal.

This early Louisiana court during its sixty-seven years of continuous activity, had occasion to interpret and construe the Custom of Paris, the General Law of France, and the contemporaneous French law of Civil and Criminal Procedure. A body of pleading and a settled jurisprudence resulted from this long service in the community, and through these records it is now easy to understand the relations between the law of Louisiana in Colonial times and the law of the Mother Country, a matter but little understood here or elsewhere as late as the beginning of the 20th century. With these papers in hand, one may track the principles that had developed and that were developing in France, and this constitutes the special value of these archives. They are the connecting link between the ancient and modern law of Louisiana; they fill the gap that previously existed in all surveys of the law of Louisiana.

The Archives of the Superior Council have been fairly well preserved, considering their neglect during more than a century and the experiences of war, and the ravages of flood and fire. The work of reading, digesting, calendaring and indexing this vast accumulation of papers is about two-thirds finished. When it is concluded, a notable chapter will have been added to the Sources of the Legal History of Louisiana, and an equally valuable contribution to the habits, ways and lives of the colonists of the French Era, for these archives are full of human interest and tell stories of frailty and error, weakness and incapacity, just as such stories are told in our courts of today, but there is much more than this to be found in these old records. One who follows the court work of that era is sensible of a growing spirit of independence in the judges, a belief in their own strength, an ability to handle facts and understand legal principles, and above all, a deep and earnest sympathy with the people whose

rights were in their care. These things are particularly noticeable after we cross the middle of the 18th century.

## II.

It may seem we have travelled a weary road to reach the very interesting story, so well englashed by Heloise H. Cruzat in her translation of "The Criminal Suit against one Estienne La Rue for illicit carrying of arms and attempt to murder," which occupied the attention of the Superior Council of Louisiana in New Orleans in the month of May, 1747. That document will, however, supply its own interest, without adornment by the editor, but the history of this trifling street broil was fortunately embodied in a proces-verbal that created a perfect example of Criminal Procedure in Louisiana in the French Era.

The prosecution was conducted strictly according to the form prescribed in the Criminal Ordinance of 1670, enacted by Louis XIV. The case in truth was tried with formality and with meticulous attention to detail, that would be justified had it involved some heinous offense against a great noble, or a high ruler. This is the real reason for its perpetuation in the pages of the Quarterly. It is a working introduction to the Statute of 1670 and through it one can understand that procedure without previous acquaintance with the Code of Rules upon which the prosecution was based. We could well stop here and send the reader to the printed record, but we believe we should go further and analyse and explain the procedure, because of its novelty in our history and because a repetition of some of the words of the text will explain the ordeal to which the prisoner was subjected.

The first document is the "Information contre le nomme Larue," and this word "Information" has been translated "Inquiry" because the procedure was in fact an investigation into the charges preferred by the Procureur General. As we open the document, we find the investigation was conducted by Jean Baptiste Raguet, a Councillor of the Superior Council here sitting as a Commissioner, assigned by the court to conduct the investigation. We catch here the familiar proceeding of today where a judge or other magistrate makes the preliminary inquiry to determine the necessity for further prosecution or to fix the bail or to remand the prisoner for action by the District Attorney or the Grand Jury. We see also that the whole Council did not sit at this stage of the prosecution. There follows a summary

account of the testimony of four witnesses examined by the Commissioner taken in long hand, with recitations of compliance with a number of formalities that were required by the Statute to be observed, and to be mentioned in this "Information." The entire document, including the Information, would have been called in that day a proces-verbal that is, an instrument in which oral statements are reduced to writing. It is even more than this because it is the record upon which the Council will act in due time and it is properly concluded with an order signed by Raguet, directing that it be communicated to the Procureur General.

The second document is the "Interrogatoire du nomme Larue," which is properly englished as "Interrogation," though it might well be called "Examination." Here we strike a fundamental difference between the ancient and modern practice for the Statute required the examination of the accused outside the presence of his accusers and without the benefit of counsel. It was something that could be neglected only under severe penalties inflicted on the officer in charge. The accused was in prison and he was brought before the Commissioner in the "Criminal Chamber of the Jail," possibly in his own cell, though it appears later he was in the dungeon and the "criminal chamber" may have been the apartment of the jailor. In the presence of the Clerk (Greffier) of the counsel, who was the amanuensis and an absolutely necessary party to the Interrogation, the accused was rigorously examined for the purpose of extorting a confession and we may add, without much success here for the prisoner seems to have been able to take care of himself. This was closed with the signature of the prisoner and that of the Commissioner and of the Clerk.

The third document is a brief summing up of the testimony by Fleuriau, the Procureur General, and a demand by him that the accused be held for further proceedings. This is followed by action of the Council which issued a "Decret de prise de corps contre le nomme Larue." This order of detention is rendered at a session of the court "Audiance Criminelle", with the whole court present, namely, Governor de Vaudreuil, First Councillor Le Normant, Town Major de Benac, and Councillors de La Freniere, Raguet, Prat and LeBreton. The session is declared to be held "at the request of the Procureur General of the King, plaintiff and accuser, against one named La Rue, mulatto, defendant and accused," a free man native of Senegal. The order

of detention is signed by Vaudreuil, Le Normant and La Freniere, and it is therein decreed that the accused be held in jail ("prise de corps") where he shall be interrogated anew, and that the witnesses be recalled ("temoins Recolles") to be Confronted with the accused and thereafter to proceed to definitive judgment upon the process.

The fourth document is the "confrontation des temoins ours contre Larue," which the translator has rendered literally, "Confrontation of witnesses heard against Larue." The proces-verbal declares that Larue was brought by the jailer before the Commissioner and "confronted" one by one with the witnesses. In each instance witness and accused were asked whether they knew each other, after which

"we had read to him (the accused) by our Clerk (greffier) the first articles of the testimony of said witness containing his age, quality, residence and the declaration that he is not a relative, servant nor connection of the parties and (we) summoned the accused to furnish exception against the witness now, for in default of so doing, none will be allowed after the testimony and re-examination of the said witness shall have been read following the Ordinance which was read to him."

This was the only objection to oral testimony permitted by the Ordinance of 1670, namely, that the witness was disqualified by reason of enmity, employment or disgrace,—there were no rules of evidence in Louisiana in this period, in either civil or criminal cases. It is solemnly recorded that the accused in this instance said

"he had no exceptions to take against the witness having seen him only that day."

Thereupon, the clerk read the testimony previously given by the witness and recorded in the "Information." This was followed by the statement of the witness that it was true. This is the statutory "Recollement" of the witnesses for the purpose of confrontation with the accused. Having heard the testimony, the accused on his part declared that,

"three fourths of the testimony is not true, that he did not insult those Frenchmen and that he did not call them

Jean Foutre, that besides he thinks that being in the troops, they uphold each other."

To which the witness replied that he (the witness) had told the truth and that he remembers that at the time he heard, that he said he wanted to "break the head of some Frenchmen."

As each witness was produced, the ceremony was repeated and the accused was ready in each instance to give his version of the affair. The result of this quick wit on his part was good, for several witnesses after hearing him modified the charge or expressed the opinion that he was not responsible for what he did by reason of his being in liquor at the time of the occurrence. Each separate confrontation is there and then reduced to writing, signed by the witness, the accused, the Commissioner and the Clerk and the whole confrontation is closed with a formal order by the Commissioner referring the same to the Procureur General.

The fifth document shows there was still another step to be taken, namely, the bringing back of the witnesses before the Commissioner, out of the presence of the accused. This is called the "Recollement contre le nomme Larue," which we translate "Re-examination." Here each witness is formally summoned by the sheriff (huissier) at the request of the Procureur General, produces his subpoena and is given a certificate to that effect. This was another absolutely necessary formality, for under the French practice of that day, a witness who came voluntarily to the court, was under suspicion of perjury and would not be heard. In this new ceremony, each witness is put under oath and his testimony is read to him as recorded in the Information. "After having heard this, he said it was the truth, that he has nothing to add thereto, nor to deduct from it and that he persisted in it." But the formalities are not yet over. To be valid, it was necessary that this "Recollement" should be then and there reduced to writing and read to the witness and that he should declare after such reading that he persisted and signed. There was one important witness, the corporal of de Gauvrit's company, the officer who made the arrest and who originally charged the accused with shooting with intent to kill. In his Recollement, he now declares "that he believes the said La Rue did not intend to shoot him" and gives his reasons for this belief and this addition to his former testimony, was a fortunate incident by an honest witness, for the effect was to reduce the charge against the accused to a minor offense.

The sixth document shows the prisoner once more subjected to interrogation. This is his second and last chance. He has been advised by the anterior proceedings as to the state of the testimony against him and he is now briefly given the opportunity to rebut it. This is also called a "Recolelement" and he emphatically denied the major charge (on which the corporal as we have seen had cleared him, but of which the prisoner was ignorant) and as to the minor offense, he explains again that he acted as he did because the soldiers had insulted him. This Interrogation is reduced to writing and signed by the accused and the Commissioner and the Clerk.

The seventh document is the last move of the prosecution. Fleuriau the Procureur General, sums up the case in a document called "Conclusions du Procureur General," in which he recites the previous proceedings and concludes,

"I demand for the King that the said Etienne La Rue, mulatto prisoner accused, be declared duly charged and convicted of illicit carrying of arms, in reparation whereof he be sentenced to be summoned to the Council Chamber to be censured and admonished, forbidden repetition of the offense, condemned to a fine of fifty livres for the Hospital of the Poor of the City, confiscation of the said arms, and to costs of this suit."

The eighth document shows the Council in Session (Le Normant, Benac, Lafreniere, Raguet, Prat and Le Breton).

The proceedings are reviewed and judgment is rendered ordering that La Rue be brought into the Council Chamber,

"there to be censured and admonished for having carried prohibited arms, forbidding repetition of the offense under such penalties as may be right, and condemning him to a fine of 100 livres for alms to the poor and ten livres for the King and confiscation of said arms for the benefit of the destitute and the costs of suit."

The judgment of the court conformed to the "conclusions" of the Procureur General, but differed as to the penalties to be imposed. The Procureur was the Attorney General of the Colony and the adviser of the court, but the latter had the right to disagree and sometimes refused to follow him, but this they did at

their peril. It could safely be done here because there was no right of appeal from the judgment and the remedy of a defeated litigant lay in a petition to the Council of State at Paris, a long, costly and not always successful adventure.

Having visualized the court and its process, we should turn for a moment to the incident that has produced for posterity this clear cut example of Criminal Procedure under the French Rule in Louisiana, but we are disinclined to interfere with the translator's prerogative to be heard on the merits of the case and we shall hurry this introduction to an end with the remark that all this strength and skill was applied to the solution of a broil on the levee in the region of Dumaine Street, which grew out of the levity of three convalescent soldiers who strolled away from the hospital in the late afternoon. Meeting a mulatto there, they hailed him with Bonsoir Seigneur Negritte, which was the ancient equivalent of "Good evening, Mr. Little Nigger." The latter being a free man and moreover a sailor just in from "the Cape" and hailing perhaps from a country where there was more latitude of speech between whites and blacks, promptly responded, Bon Soir Seigneur Jean Foutre, which might be freely translated "Good evening, Mr. Jack Fool." The soldiers being without a balanced sense of humor thereupon took the mulatto by the chin ("maniant le menton") and the horse play of the first salute rapidly passed into an altercation in which blows were struck and sticks broken. Though the soldiers were three to one, they deemed it proper to call the attention of the Sieur Tixerant to the incident and he in turn ordered the corporal to take the man to jail. En route, the latter discharged a pistol he had been carrying in his pocket and the foolish broil of a moment ago took on the aspects of a tragedy. The mulatto seems to have been well mauled and in due course was thrown into the dungeon with shackles on feet and hands. The reader may follow the full story in Mrs. Cruzat's translation and perhaps be vastly entertained over the incident, dependent upon his point of view. The affray occurred on May 3rd and the judgment of conviction was rendered on May 19th. During that period the man from the Cape remained in jail healing his bruises but justice heavily loaded with the apparatus of procedure, travelled swiftly nevertheless to the end that the loaded and concealed pistol of the sailor man, obscured the primary cause of

his arrest and mulcted him in a fine of 110 livres for the benefit of the Hospital that had housed his assailants. The fracas had brought him a beating before he was incarcerated. He spent sixteen days in jail awaiting trial and judgment. He was fined 110 livres and lost his pistol and was taxed with the costs besides. Doubtless he thereafter refrained from airing his wit in foreign ports no matter what the provocation might be.

HENRY P. DART.

### III.

## THE DOCUMENTS

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### THE DOCUMENTS COVERING THE CRIMINAL TRIAL OF ETIENNE LA RUE, FOR ATTEMPT TO MURDER AND ILLICIT CARRYING OF ARMS

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Translated from the Originals in the Archives of the Superior Council of Louisiana, at the Cabildo, New Orleans  
By HELOISE H. CRUZAT

This record contains nine documents, viz:

#### I.

- I. (1099.)—May 5, 1747.—Inquiry made before M. Raguet, against one Etienne La Rue, a free mulatto, defendant and accused.
- II. (1100.)—May 5, 1747.—Interrogation of Etienne La Rue, on demand of the Procureur General of the King.
- III. May 6, 1747.—Demand by the Procureur General of the King that a writ of bodily apprehension be issued by the Council, in Criminal Session against Etienne La Rue, that he be interrogated anew and witnesses heard before final conclusions.
- IV. May 6, 1747.—Writ of arrest issued by Superior Council, in Criminal Session, against Etienne La Rue, a free mulatto, a native of Senegal.<sup>1</sup>
- V. (1103.)—May 18, 1747.—Confrontation of witnesses with La Rue.
- VI. (1104.)—May 18, 1747.—Re-examination of witnesses against Etienne La Rue.
- VII. (1105.)—May 18, 1747.—(2d) Interrogation of Etienne La Rue.
- VIII. May 19, 1747.—Conclusions of the Procureur General of the King in Criminal trial of Etienne La Rue.
- IX. (1106.)—May 19, 1747.—Judgment rendered in Criminal suit against Etienne La Rue.

<sup>1</sup>(Omitted and supplied by translator)—Senegal, a French Colony in West Africa, of which St. Louis is the capital. It had been known since the end of the 14th century to French navigators from Dieppe who founded a Colony there, but the first permanent establishment was due to Governor Andre Brue (1697-1723).—(H. H. C.).

The King of France granted a monopoly of the slave trade to The Company of Senegal and many negroes reached the West Indies from this place. It was not the usual port of export for the Louisiana slave trade under the Company of the Indies, but many slaves from that part of Africa reached Louisiana at that period.—(Ed. La. Hist. Qrtly.)

## II.

*Translation of document page 1, French text:*

No. 1099.

**May 5, 1747.** Inquiry made by us Jean Baptiste Raguet, Councillor in the Superior Council of Louisiana, Commissioner in this case, on request of the Procureur General of the King, plaintiff and accuser against one Larue, a free mulatto, detained in the prisons of this City, defendant and accused, to which inquiry we proceeded as follows:

On the fifth of May one thousand seven hundred and forty-seven, two o'clock in the afternoon.

Jacques Ferrand, soldier of Leverrier's Company, garrisoned in this City, aged twenty-three years, of the Catholic, Apostolic and Roman religion, after oath taken by him to speak the truth, declared that he was not a relative, connexion nor servant of the parties and that he has been summoned on this day to testify the truth on demand of the Procureur of the King, as per summons which he presented to us.

**Second page.** Testifies on the facts mentioned in the complaint which was read to him, that night before last, between six and seven o'clock, whilst out walking with two comrades opposite Mr. Dubreuil's house, one Gaillard, soldier of de Gauvrit's Company, said to Larue: "Goodnight, Lord Little Negro"<sup>2</sup>; he Larue replied: "Goodnight, Lord Jean foute"<sup>3</sup>, and the said declarer approaching him and handling his chin said to him: "Do you consider yourself insulted by being called Lord Little Negro? You answer by abuse and he tells you nothing to insult you," to which he answered some abuse and the declarer said to him: "Go on, my friend, go away." The mulato appeared to be very drunk and declarer told him: "Go away or I shall give you a sound cudgelling" and the said declarer went his way but the said mulatto still arguing would not leave, having a stick in hand told his two comrades who were near him: "I have pity on you, if you were not sick, you would all three of you pay for it" which hearing, the declarer went to him and gave him a slap, seized the cane he had

**Third page.** in hand and broke it on his body and having retired as he still continued his walking and that he did not want to compromise himself with him, for fear of his having some hidden weapon in his pockets whilst he carried but a small reed; he perceived Mr. Tixerant coming, to whom he said: "There is a man who continues to threaten and provoke us," I beg you to make him cease and to have him put in prison,

<sup>2</sup>"Bonsoir Seigneur Négritte."

<sup>3</sup>"Bonsoir Seigneur Jack Fool."

which Mr. Tixerant did, by calling one Baptiste Corporal who laid hold of him to conduct him to the prison.

A moment later he heard a pistol shot fired and the said Baptiste calling for speedy aid which obliged the declarer to run to him, to seize the said La Rue by the collar and to take his hands and tie them behind his back and he was led to prison; he believes that if the said La Rue had not been drunk he would not have thus acted.

The present testimony having been read to him he said that it was the truth, persisted therein and signed.

ferrand.

Raguet.

Henry (paraph) Greff.

Mathieu Monet, soldier of Benoist's Company in the troops detached from the Marine in this Colony, aged  
**Fourth page.** twenty-three years, of the Catholic, Apostolic and Roman Religion, after oath taken to speak the truth, declared that he was not a relative, connexion nor servant of the parties and had been summoned on this day to testify the truth, on request of Mr. the Procureur General of the King, following notice which he presented to us.

Testifies on the facts mentioned in the said petition which was read to him, that night before last, about six o'clock in the evening, having come out of the hospital to go walking with two comrades, towards Mr. Dubreuil's, he met one La Rue, mulatto, to whom he, deponent, said goodnight shortly, and his comrade said: "Goodnight, Lord Little Negro" to which said La Rue answered: "Goodnight, Lord Jean Foutre." That in the moment all three went to him and told him: "You are insolent, you abuse us and we are not insulting you," whereon they went on their

**Fifth page.** way, and that notwithstanding, said La Rue continued his abuse and said to them: "I have pity on you and if you were not ill I would cudgel you"; whereon his companion named Ferrand went to him and gave him a slap; they then left him and continued their route all three, that La Rue kept on insulting and threatening them and called them back. They went to him and he said to the deponent that he had naught to do with him but with the one who slapped him and that they collared both of them and gave each other some blows, La Rue having but a small cane in hand —. As they held each other by the collar, he, the deponent gave a few blows with the stick which was broken to the said La Rue to separate them, and they went off; that the said mulatto recalled them still threatening them, which obliged them to go to Mr. Tixerant and ask to make him cease or to have him put in prison, which he did by putting him in the hands of one Baptiste, Corporal, and as Baptiste was leading him to prison,

**Sixth page.** he heard a pistol shot fired, whereon they went to him and found that Baptiste had two pistols which he had taken from the said La Rue; he was then led to prison and that this mulatto appeared to him to be drunk, which he said was all he knew.

The present testimony having been read to him he said that it was the truth, persisted therein and signed:

Monet.

Raguet.

Henry (paraph) Greff.

Jean Gaillard, a soldier of de Gauvrit's Company, in the Marine troops of this Colony, aged twenty-seven years, of the Catholic, Apostolic and Roman religion, after oath taken to speak the truth, declared that he was not a relative, connexion, nor servant of the parties, and that he was cited on this day to testify, on request of the Procureur General of the King, following notice which he presented to us.

Testifies to the facts mentioned in the petition which was read to him, that day before yesterday, at six o'clock in the evening, having left the Hospital with two comrades to go walking towards Mr. Dubreuil's, they met one La Rue, a mulatto, to whom

**Seventh page.** the deponent said jokingly: "Goodnight Lord Little Negro"; to which La Rue answered: "Goodnight

Lord Jean foute."

His comrade Ferrand having approached the said La Rue, gave him a slap, saying: "You are drunk, go away"; to this he replied: "Mr. you are ill, I have pity on you," and they continued walking, the said La Rue following them, calling to them. He who is named Monet went to him and the said La Rue told him that he was not the one he had to deal with but with the one who slapped him and the said Ferrand went to him again and they fought each other with an old stick and deponent separated them. After being separated all three went their way together; the said La Rue came back once more and abused them. In the meanwhile Mr. Tixerant appeared and they asked him to make the man hush or to have him imprisoned, which he did by ordering the Corporal, who was promenading, to bring him to prison, which the Corporal did. A moment later they heard a pistol shot fired and heard the said Baptiste crying for help, which obliged them to find out what it was and on reaching them they saw two pistols which the said Baptiste had

**Eighth page.** taken from the said mulatto who was very drunk, and he thinks that if he had not been intoxicated that he would not have acted as he did. Then they tied him and conducted him to prison, which he said was all he knew.

The present testimony having been read to him, he said that it was the truth, persisted therein and declared that he did not know how to write nor sign, wherefore inquiry as per ordinance.

Raguet.

Henry (paraph) Greff.

Baptiste Roussy, Corporal of de Gauvrit's Company, garrisoned in this City, aged thirty-seven years, of the Catholic, Apostolic and Roman religion, declared that he was not a relative, associate nor domestic of the parties and that he had been cited on this day to testify to the truth as per summons which he presented to us.

Testifies on the facts mentioned in the said complaint which was read to him, that day before yesterday, towards six or seven o'clock in the evening, whilst promenading on the levee, he saw La Rue, a mulatto, quarrelling with three sick soldiers and that he saw them come to blows, that he, the deponent, went to them to separate them, and he told this mulatto who was very drunk: "Go away, go on your way, for something may

**Ninth page.** happen to you"; and he told the patients to go on, that one should not joke with a man in that condition.

The three patients who are: Ferrand, Monet and Gaillard said to him: "He insulted us," and he, the deponent, continued on his way, and the mulatto retired. Shortly after the mulatto returned to these sick men saying that he wanted satisfaction for the slap given him by one of the soldiers, the deponent went to Mr. Dubreuil's, wherefrom he saw the three patients complain to Mr. Tixerant: "There is a man who has insulted us for a long time, we pray you to render us justice." Mr. Tixerant answered: "Why do you not cudgel him well, however, go to the Corps de Garde to have him put in prison"; one of the soldiers said: It is not necessary, there is a corporal who will bring him there, whereon Mr. Tixerant called him, the deponent, and told him to bring him to prison in the moment. The deponent told La Rue to follow him to prison, which he did without any resistance until he reached the Hospital of the King, where he said to deponent: "I beg you, let me go to get a shirt, mine is all torn by those patients," to which deponent answered: "I will take good care not to do so," and at the moment La Rue put his hand in his pocket and drew forth a pistol and on the instant fired it, between their arms. It was loaded with lead and La Rue having received the charge in his arm and the deponent getting a few grains in his arm, told him: "How! you rascal; you try to kill me because I am leading you to prison," where on the said La Rue told him: "No, I want to fire on myself,

**Tenth page.** in my anger I do not know what I am doing," and in the moment the deponent put his hand in his pocket and found another pistol which was not loaded, which he took from him as well as the one he had fired, and as he was wounded he feared not to be strong enough to bring him to prison. He perceived a soldier on the levee who came to his help with a great many other persons who tied him and conducted him to the prison which, he said, is all he knew.

The present testimony having been read to him he said that it was the truth, persisted therein and declared that he did not know how to write nor sign, wherefore inquiry as per ordinance.

Let it be communicated to the Procureur General of the King, this 5th of May, 1747.

Raguet.

No. 1100.

May 5, 1747.  
Interrogation  
of one Larue.  
5 pp.

**May 5, 1747.**  
**Interrogation**  
**of one Larue.**  
**5 pp.**

In the year one thousand seven hundred and forty-seven, on the fifth of May, at eight o'clock in the morning, on demand of Mr. the Procureur General, plaintiff and accuser, against one La Rue, a mulatto, detained as prisoner, defendant and accused, we, Jean Baptiste Raguet, Councillor in the Superior Council of Louisiana, named Commissioner in this case, following the order below the complaint presented by the said Sr. the Procureur General yesterday. We went with the Clerk of the said Council (Greffier) to the prisons of this City, where in the Criminal Chamber of the jail we had the said La Rue appear before us, and he being present, we summoned him to tell us his age, profession and residence and what religion he professes.

He, after oath taken to speak and answer the truth, told us that he is called Etienne La Rue, a native of Senegal, of the Catholic, Apostolic and Roman religion, aged about twenty-two years, a pilot on the boat L'Unique, which came to this Colony,

**Second page.** that he is natural son of Sr. La Rue, a free negro, commanding the vessels of the Company of the Indies, of St. Louis Coast of Santo Domingo.

Interrogated why he is detained a prisoner and who had him put there.

He said that it was Sr. Tixerant who had him led there.

Interrogated on what occasion he had him there conducted.

He replied that coming from the plantation of Simon, a free negro, he took that way in order to have mended at Mr. Dubreuil's smithery two pocket pistols which he had bought a few days before at the inventory of Sr. Fabry, that on passing before the King's Hospital he met three sick soldiers who were promenading towards the inclosure of Mr. Dubreuil. He bowed to them with his hat and one said "good-bye Lord Little Negro," to which he answered: "What! Gentlemen, I greet you and you abuse me"; to which he, respondent, replied: "I am not so ill bred as to insult you, it is you who abuse me"; during this time the three men approached him, that one of them holding a stick gave him a box (soufflet), and that he the respondent seeing this and having a reed in hand defended himself with

**Third page.** it striking them, and that one of the three who struck him, for they were all three against him, detached himself from the group and called Mr. Tixerant who was passing, who came to him, called him and taking him by the collar and boxing him, of which he bears the marks, called a soldier who was passing in the environs whom he ordered to bring him to prison. The man came who took him by the arm to conduct him to prison, to which he was going without any resistance, and as he, the respondent remembered that he had pistols in his pocket and that one of them was loaded with lead, having loaded it two days previously to kill a snake and that he did not want to enter the prison with these pistols, he drew them, to discharge them, with the intention to hand them over to the man who was leading him; this man seeing the pistols in his hand became frightened and drew back pulling on the respondent's arm which he was holding with his hand. The shot went off, wounding the respondent and perhaps the other, but without any intention to hurt him, whereon intervened Mr. Tixerant who laid hold of his sword, with the scabbard struck

**Fourth page.** him all over his body, had him tied and brought to prison, during which time they gave him hard blows in the face and on his body, of which he is well marked. They then put irons on his feet and hands and put him in the dungeon.

We showed him that he does not speak the truth and that he was the one who put the pistol to his throat to kill him and to get rid of him.

He said that it was the truth, that if he had intended to kill him he would not have shot to the left when the man was on his right side, and that all that he has above said is true.

Interrogated if he does not know that it is forbidden to carry pocket pistols.

He said that he knew it well, that he never carried any, that he was carrying those only with the intention of having them mended.

Interrogated if he had not disobeyed or resisted Mr. Tixerant,

He replied No, that on the contrary, the more he did beat him, the more he asked him to listen to his reasons and that he would not do so.

Interrogated if he had not had other quarrels and wrangles with others in the City,

**Fifth page.** He answered no, that he left the ship<sup>4</sup> in which he was only to go to Mass, and that it is only since the boat has been condemned that he is on land.

Interrogated if he has not heretofore been condemned before a Court of justice,

<sup>4</sup>Batiment.

He answered no, that he had never had any trouble and that information may be sought at the Cap<sup>s</sup> where he resided since he left Guinea.

On the moment we presented to him two small pocket pistols, one of which has the wood broken, which have inscribed on the plate as a motto: "I am always faithful."

We summoned him to tell us if he knew them to be those taken from him when he was imprisoned,

He answered that he knows them to be those  
**Sixth page.** that he bought from Mr Fabry, that he fired one when the soldier was holding him, as he has heretofore said, without any bad intention.

Interrogated if he will trust the witnesses who saw that, He said that he trusts the witnesses if they will tell the truth, and that he thinks that they will not speak otherwise than what is above.

The present interrogation having been read to him he said that his answers were true, persisted therein and signed:

Larue fils (son).

Raguet.

Henry (paraph) Greff.

Seen by us the suit criminally instituted and followed on our demand, on complaint and verbal denunciation of Voussy (Roussy), corporal for facts of murder, illicit carrying of arms and other results thereof, circumstances and dependences, against Estienne Larue, a mulatto accused, prisoner; Petition of Procurer General. our petition on the fourth of May of the present month and year, and the order rendered on it on the said day;

the interrogation of the accused on the fifth of this month the inquiry of the same day;

I demand for the King before presenting final conclusions that the said Larue, accused, be decreed under bodily apprehension, to be interrogated anew on the facts which shall be produced by us, that witnesses heard in the inquiry be reexamined on their testimony and confronted with the accused. At New Orleans, May sixth, one thousand seven hundred and forty-seven.

Signed: fleuriau.

No 1101.

**CRIMINAL SESSION OF MAY 6, 1747, where were Mssrs de Vaudreuil, Governor; Lenormant, First Councillor; De Benac, Major; de Lafreniere, Raguet, Prat and Le Breton, Councillors.**

<sup>s</sup>Cap François.

**May 6, 1747.** On petition of the Procureur General of the King, plaintiff and accuser against one La Rue, mulatto, defendant and accused.

**Decree of arrest against one Larue.** Seen the petition of the Procureur General, the order below it on date of the 4th of this present,

The Interrogation of Estienne La Rue, a mulatto, a native of Senegal, born free, the said interrogation on date of the fifth of the present (month).

The inquiry made in consequence, together with the conclusions of the Procureur General of the King;

The Council has decreed against the said accused bodily apprehension and orders that he be again interrogated on the facts it may please the procureur General to have him heard, that the said witnesses be reexamined and confronted with the said accused and afterwards to proceed finally to judgment in this procedure. Given in the Council Chamber, May sixth one thousand seven hundred and forty-seven.

Signed:

Vaudreuil

Lafreniere

Lenormant.

No 1103

Confrontation made by us, Jean Baptiste Raguet, Councillor in the Superior Council of Louisiana, Commissioner in this case on request of the Procureur General of the King, plaintiff and accuser against one La Rue, prisoner in the prisons of this City, with the witnesses heard in the inquiry made by us on the fifth of the present month, in execution of the decree of the Council of the sixth of the said present month, to which confrontation we proceeded as follows:

**May 18, 1747.** First page. Confrontation of witnesses heard against Larue.

On the eighteenth of May one thousand seven hundred and forty-seven, two o'clock in the afternoon,

Was brought before us by the Jailer of the said prisons, one Etienne La Rue, accused, whom we confronted with Mathieu Monet, second witness heard in the said inquiry and after oath taken by them to speak the truth and summoned to tell us if they knew each other, they said they know each other, to wit: the said Monet, as he who abused them near to Mr. Dubreuil's and the said accused knew him as one of the three soldiers who attacked him after which we had read to him by our Greffier the first articles of the testimony, of said witness containing his age, quality and residence and his declaration that he is not a relative, servant nor connexion of the parties, and summoned the accused to furnish exceptions against the witness now, for in default of so doing none will be allowed after the

testimony and reexamination of the said witness shall have been read, following the ordinance which was read to him.

The accused said that he had no exceptions to take against the witness, having seen him only that day.

This done, we had read by the Greffier the testimony and re-examination of the said witness in the presence of the accused; the witness said that his testimony is true and that he meant to speak of the accused, here present, and by the accused it was said that three fourths of the testimony is not true, that he did not insult those Frenchmen and that he did not call them "Jean foute," that besides he thinks that being in the troops they uphold each other, and the witness replied that he told the truth and that he remembers that at the time he heard that he said that he wanted to break the head of some Frenchmen.

The present confrontation having been read to them, they each persisted in what concerned them and signed:

Larue son                   Raguet                   Henry (paraph) Greff.  
(fils)

We likewise confronted to the said accused one Baptiste Roussy, third witness heard in the inquiry, and  
**Third page.**               after oath taken to speak the truth,

summoned to say if they knew each other, the witness said that he knew him certainly to be the man he conducted to prison.

After which we had our Greffier to read the first articles of the testimony of the said witness stating his age, qualification and residence and his declaration that he is not a relative, servant nor domestic of the parties, and summoned the accused to take exceptions against the said witness, as in default of so doing, none will be allowed after the testimony and reexamination of the said witness shall have been read, following the ordinance which we gave him to hear (or understand).

The accused said that he had no exceptions to take against the said witness having never seen him but on that day.

This done we had our Greffier read to him the testimony and reexamination of the said witness in the presence of the accused; the witness said that his testimony was the truth and maintained it to the accused, and that it was of the accused, here present, that he meant to speak in his testimony and reexamination and he persisted therein, and the accused said that he did not wish to fire on him nor on anyone, that he only wanted to discharge his pistol in the air as he did not wish to enter the prison with the pistols.

The present confrontation being read to the accused and to the witness, each persisted in what concerned them and the said La Rue signed, not the said Roussy, as he does not know how to write nor sign, wherefore inquiry as per ordinance.

Signed: Larue son.  
Raguet                           Henry (paraph) Greff.

We likewise confronted to the said accused one Fiacre<sup>e</sup> Ferrand, first witness heard in the said inquiry and after oath taken by him to speak the truth, summoned him to tell us if they knew each other; they said that that they know each other by sight.

After which we had our Greffier read to them the first articles of the said witness' testimony, containing his age, qualification and residence and his declaration that he is not a relative, servant nor associate of the parties, we summoned the accused to furnish on the moment exceptions against the witness, if not and in default of so doing, none will be allowed after the testimony and reexamination of the said witness will have been read to him following the ordinance which we made him hear.

The accused said that he had no exceptions to take against the said witness nor the witness against the accused.

This done we had read by our Greffier the testimony and reexamination of the said witness in the presence of the accused; the witness saying that his testimony is true, and maintained it to the accused and that it is of the accused, here present that he meant to speak in his testimony, and by the accused it was said that the testimony is true with the exception that he did not abuse them, at least, that he does not remember calling them: "Jean foute"

The present confrontation having been read to the witness and to the accused, each persisted in what concerned each and signed:

ferrand  
Raguet

Larue fils (son)  
Henry (paraph) Greff.

Let it be communicated to the Procureur General of the King.

May 19th 1747.

Signed: Raguet.

No 1104.

*REEXAMINATION.*

In the year one thousand seven hundred and forty-seven, on the eighteenth of May in the afternoon, before us Jean Baptiste Raguet, Councillor in the Superior Council of Louisiana, Commissioner in this case, appeared Mr. the Procureur General of the King, plaintiff and accuser, who told us that by virtue of the decree of the Council of the sixth of the present month he had caused to be summoned those named Baptiste, a corporal; Ferrand, a soldier; Gaillard and Monet, also soldiers, witnesses heard in the inquiry made by us on the fifth of the present month on his demand against one La Rue defendant, to be re-examined in their testimonies, and this by summons of Le-

<sup>e</sup>In other documents: "Jacques."

"D——n fool. "Jack Fool." "Blackguard."

normand sheriff, on date of this day which he presented to us, requesting us to proceed to reexamination of the said witnesses.

Whereon We, Judge and Commissioner aforesaid, have given certificate to the said Procureur General of his appearance and requisition and order that it be by us presently proceeded to the reexamination of the witnesses, and my said Sr. the Procureur General retired.

And on the instant appeared Mathieu Monet, second witness heard in the inquiry, who after oath by him taken to speak the truth and after we had read to him his testimony in the said inquiry, he, having heard it, said that it was the truth, that he has nothing to add thereto nor to deduct from it, and that he persisted in it.

The present reexamination having been read to him he also persisted and signed:

Monet.

Raguet

Henry (paraph) Greff.

Also appeared Baptiste Roussy, Corporal of de Gauvrit's Company, third witness heard in the inquiry, to whom after oath taken to speak the truth, we had the testimony given by him in the said inquiry read to him, and, having heard it he said that his testimony was the truth, with the exception that he does not know how the said La Rue fired, from the right to the left; that he believes that the said LaRue did not intend to shoot him, for he thinks that he would not have missed him, all the more that he did not mistrust him.

The present reexamination having been read to him, he persisted therein and declared that he did not know how to write nor sign, wherefore inquiry as per ordinance.

Signed:

Henry (paraph) Greff.

Also appeared Jacques Ferrand, first witness, heard in the said inquiry, to whom after oath taken to speak the truth we had the testimony made by him in the said inquiry read to him. After having heard it he said that it was true, that he had nothing to add thereto nor to deduct therefrom and that he persisted in it.

The present reexamination having been read to him he also persisted therein and signed:

Raguet

Ferrand  
Henry (paraph) Greff.

#### No 1105.

In the year one thousand seven hundred and forty-seven, on the eighteenth of May, in the afternoon, we, Jean Baptiste Raguet, Councillor in the Superior Council of Louisiana, Commissioner in this case, having gone to the room

**May 18, 1747.** of the jailer of the prisons of this City, had called **Second interro-** before us there, one La Rue, prisoner in the said **gation of Larue.** prisons, entered by virtue of a decree of bodily apprehension decreed by the Superior Council on **First page.** the sixth of the present month against him on

petition of Mr. the Procureur General of the King, plaintiff and accuser, the said La Rue here present, who after oath taken by him to answer and tell the truth was interrogated by us as follows:

Interrogated as to his name, age, qualification and residence, he said that he is called Etienne La Rue, born in Senegal, professing the Catholic, Apostolic and Roman religion, aged about twenty-two years, pilot on the boat L'Unique and now pilot and Captain of a prize on the corsair commanded by Sr Gerbe, now in the roadstead of this City.

Interrogated from whom he had the pistols which he had, he replied that he had bought them from Sr. Fabry as he said in his first interrogatory.

Interrogated if when he fired the pistol shot he had not the intention of killing the Corporal who was leading him;

he answered: No, that if he had wished to do so, he would not have fired on the side, that it was only to discharge his pistol, as he said in his first interrogatory.

Interrogated if after he had quarreled with the three patients, who are: Farrand, Gaillard and Monet, he did not say that he felt like killing some Frenchmen;

he said: No, that he never spoke in that way.

Interrogated if he had not had any quarrel here with some Frenchman,

he said: No, that he had had none with any one and that he would have had none with these soldiers if they had not insulted him.

The present reexamination having been read to him, he said that his answers were true, persisted therein and signed:

Larue son

Henry (paraph) Greff.

Before us the suit criminally instituted and followed at our request, on complaint and verbal denunciation of Jean Baptiste Roussy, for facts of murder, illicit carrying of arms and results

**Conclusions of the Procureur General of the King.** thereof, circumstances and dependences, against Estienne La Rue, mulatto accused, imprisoned on our demand on the fourth of the present month and on order given on the same day, the interrogation of the accused on the fifth of this month, the inquiry of the same day,

our conclusions of May sixth and the decree of bodily apprehension rendered against the accused, and order that witnesses be reexamined in their testimony and confronted with the accused, who shall be interrogated anew, the second interrogation of the accused on the eighteenth of the present month and year.

The reexamination of witnesses of the same day, the confrontation of the witnesses with the accused, on the same day, eighteenth of May, one thousand seven hundred and forty-seven

and all that has gone into the said suit duly and maturely considered,

I demand for the King that the said Etienne La Rue, mulatto, prisoner accused, be declared duly charged and convicted of illicit carrying of arms, in reparation whereof he be sentenced to be summoned to the Council Chamber to be censured and admonished, forbidden repetition of the offense, condemned to a fine of fifty livres for the Hospital of the Poor of the City, confiscation of said arms and to costs of this suit.

At New Orleans, may nineteenth, one thousand seven hundred and forty-seven,

Signed: fleuriau.

#### No 1106

Criminal Session of May 19, 1747, where were present MSSRS Le Normant, First Councillor; de Bénac, Major; de Lafreniere, Raguet, Prat and Le Breton, Councillors:

**May 19, 1747.** On petition of the Procureur General of the King, plaintiff and accuser,  
**Judgment** versus one Estienne La Rue, a free mulatto, defendant and accused.  
**rendered in**  
**case of Larue.**

Seen the complaint in petition presented by Mr Fleuriau, Procureur General of the King, on date of the fourth of the present month;

the order of Monsieur Le Normant, First Councillor in the said Council, on the said day;

the inquiry made in consequence and the interrogation undergone by the said La Rue, on the fifth of the present (month).

the decree of bodily apprehension rendered against the said La Rue and the order that it be immediately proceeded to the re-examination and confrontation of the witnesses with the accused, on report of the whole, to proceed to final judgment on the process-verbal said La Rue;

on the sixth of the present month the reexamination of the witnesses and their confrontation with the accused on date of the eighteenth instant;

the interrogation on this day of the said La Rue, the whole instituted by Mr Raguet, Councillor, appointed Commissioner of the Procureur General of the King; the Council orders that he be summoned to appear in the Council Chamber, there to be censured and admonished for having carried prohibited arms, forbidding repetition of the offense, under such penalties as may be right, condemning him to a fine of one hundred livres of alms for the poor, and ten livres for the King and confiscation of said arms for benefit of the destitute and to costs of the suit. Given in the Council Chamber on the nineteenth of May, in the afternoon, one thousand seven hundred and forty-seven.

Signed: Lenormant

De Benac

Raguet

Prat

LeBreton

## THE COLFAX RIOT OF APRIL, 1873

*By Manie White Johnson, B. A.*

*Alexandria, La.*

*(University of California, 1924).<sup>1</sup>*

To My Mother and Father  
**FANNIE BLYTHE WHITE AND HORACE HENRY WHITE**

### CONTENTS

	PAGE
Preface . . . . .	391
Chapter I. Progress of Reconstruction in Louisiana Prior to 1873 . . . . .	393
Chapter II. Grant Parish and Colfax—From Peace to Pillage . . . . .	397
Chapter III. The Appeal to Arms . . . . .	406
Chapter IV. The Battle . . . . .	411
Chapter V. Return to Home Rule . . . . .	420
Bibliography . . . . .	425

### PREFACE

DURING the period following the Civil War there occurred numerous clashes between the white race and the black in Louisiana. This work deals with one in particular—the Colfax Riot—which took place Easter Sunday, April 13, 1873, in the village of Colfax, Grant Parish. It is the purpose of the author to describe as accurately as possible the events of the battle and the effect of this struggle on the general history of Reconstruction. This is the more desirable inasmuch as this incident served to focus in unusual fashion popular attention upon the events then transpiring in the South and to throw the Southern question into the federal courts for adjudication.

The author wishes to express her gratitude to Horace Henry White for having suggested the topic and for having made it possible to converse with the following old gentlemen who were in some way connected with the riot: A. L. Hopkins, Charles A.

<sup>1</sup>Presented to the Faculty of the Graduate School of Southern Methodist University  
in Partial Fulfilment of Master of Arts with  
Major Subject in History  
April 1929.

Duplissey, W. Lod Tanner, Jonas Rosenthal. She is indeed grateful to the Reverend Michael Smith for having written his version of the battle, and to Judge John A. Williams, Mrs. O. A. LeSage, Mrs. George Marsh and A. M. Goodwyn for their loan of papers and letters, and also to Professor W. Neil Franklin, who has given her valuable assistance in writing this thesis.\*

MANIE WHITE JOHNSON.

Dallas, Texas, April 23, 1929.

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\*With regret I mention the passing on to their fathers of A. L. Hopkins, W. Lod Tanner and Jonas Rosenthal.—M. W. J., March 27, 1930.

## CHAPTER I.

### *Progress of Reconstruction in Louisiana Prior to 1873.*

ON JANUARY 26TH, 1861, the Secession Convention of Louisiana, meeting in Baton Rouge, passed the Ordinance of Secession by a vote of one hundred and thirteen to nine. Thus "Louisiana 'with sublime imprudence' to use Gayarré's phrase, decided to cast her lot with"<sup>1</sup> South Carolina, Mississippi, Florida, Alabama, and Georgia, which had already withdrawn from the Federal Union. Even before the Civil War had reached its middle year an early, stumbling effort at reconstruction was made in Louisiana. This was attempted by the military Governor of the Louisiana district, George Foster Shepley, and with the full consent of President Lincoln, who believed that by appealing to the loyal element in every Southern State, order would soon be restored.<sup>2</sup> In December, 1862, General N. P. Banks succeeded General B. F. Butler as Commander of the Department of the Gulf, with headquarters at New Orleans, and under his administration, which was a radical departure from that of Butler's, he tried to promote harmony and clemency.<sup>3</sup> The Legislature of 1864 elected by the Unionists in Louisiana, adopted unanimously the Thirteenth Amendment to the National Constitution,<sup>4</sup> the State Constitutional Convention of that year having already abolished slavery though restricting suffrage to white males only.<sup>5</sup> Although Lincoln recognized the Louisiana Government, no representatives were received by Congress and her electoral vote of 1865 was rejected. While political problems "were agitating that portion which was within Federal lines, the Confederates kept up more than a semblance of government at Shreveport. \* \* \* Hence in 1864, there were two capitals in Louisiana, and two governors, each claiming legitimacy."<sup>6</sup>

Riots occurring in New Orleans in 1866; the rejection of the Fourteenth Amendment by the Louisiana Legislature of 1867; the passage of the Black Codes; these things caused the North and Congress to fear that negroes were not safe under their former masters. Consequently military rule was re-estab-

<sup>1</sup>Ficklin, John Rose—*History of Reconstruction in Louisiana through 1868*. The Johns Hopkins Press, Baltimore, 1910, p. 19.

<sup>2</sup>Ficklin—*Reconstruction in Louisiana*, pp. 33; 41.

<sup>3</sup>Ficklin—*Reconstruction in Louisiana*, pp. 43.

<sup>4</sup>Ibid p. 90.

<sup>5</sup>Ibid p. 79.

<sup>6</sup>Ibid pp. 65-66.

lished by the Congressional Acts of March, 1867,<sup>7</sup> thereby abolishing the provisional government authorized by the President during the interval when Congress was not in session in the year 1865.

In 1868 a new constitution was framed and the legislative assembly having ratified the Fourteenth Amendment, the state was re-admitted into the Union. William Pitt Kellogg and John S. Harris were sent to the United States Senate to occupy seats last held, seven years before, by John Slidell and Judah P. Benjamin.<sup>8</sup> Five representatives were seated in the House "including the first colored person to present himself for admittance to Congress."<sup>9</sup> Henry Clay Warmoth, a carpet-bagger, was elected Governor of Louisiana, and Oscar J. Dunn, a mulatto, was elected Lieutenant-Governor,<sup>10</sup> not, however, without violence during the campaign.<sup>11</sup> In the Louisiana Legislature the Republicans had a majority of fifty-six to forty-five in the House, half of this majority being negroes, and twenty to sixteen in the Senate, seven of the twenty being colored.<sup>12</sup>

By 1869, carpet-bag government in Louisiana was in full power and the story of its rule there "is a sickening tale of extravagant waste, corruption, and fraud."<sup>13</sup> The negroes slightly predominated in numbers in the state. In the lowlands the population was overwhelmingly black, while in the pine hills or uplands, the more numerous whites feared that under mixed rule they would sink to the social level of the blacks. Throughout the state there were lawless adventurers "who pursued no occupation but preyed on the black and white alike."<sup>14</sup> The Republican Party of the state was composed of negroes, carpet-baggers, and only a small number of native whites, the negroes forming the chief strength of the party at the ballot-box. The cunning allies of the negro filled the lucrative state offices, giving to their

<sup>7</sup>Lonn, Ella—*Reconstruction in Louisiana after 1868*—New York & London: G. P. Putnam's Sons—The Knickerbocker Press—1918. p. 5.

<sup>8</sup>Ficklin—*Reconstruction in Louisiana*, p. 204.

<sup>9</sup>Lonn—*Reconstruction in Louisiana, after 1868*, p. 6.

<sup>10</sup>Ficklin—*Reconstruction in Louisiana*, p. 202.

<sup>11</sup>As the election was drawing near, disorder was evident, negroes throughout the state were organized into secret orders known as the Union or Loyal League. (Phelps—Louisiana, p. 366.)

"In that year the Knights of the White Camelia became perfected into a Federal organization pledged to secure white supremacy and to prevent political power from passing to the negro."—Lonn: *Reconstruction in Louisiana after 1868*, p. 15.

<sup>12</sup>Ficklin—*Reconstruction in Louisiana*, p. 203.

<sup>13</sup>Rhodes, James Ford—*History of the United States*, New York, The Macmillan Co.,—1920, Vol. VII, p. 104.

<sup>14</sup>Lonn—*Reconstruction in Louisiana*, p. 16.

insolent, careless, ignorant dupes seats in the legislature and various parish and city offices.<sup>15</sup> Fraud, bribery, embezzlement and corruption prevailed in all departments of state and local administration, as a consequence of the combination of these unfit, greedy whites and blacks in office. The reading of the description of the Louisiana Assembly at this period is appalling and disgusting.

Warmoth as Governor of Louisiana practically ruled supreme, but not without causing friction in his party and in the Assembly. A reform Party had been organized to destroy the shameful government, yet it saw fit to advocate equal suffrage for the blacks and the whites. Warmoth, who detested Grant for attempting to curtail his power, became the champion of the Liberal Party in Louisiana,<sup>16</sup> and these two, uniting with the Democratic organization, formed a Fusion Party, nominating John McEnery for governor and Davidson B. Penn for lieutenant-governor, and agreed to vote for Horace Greely for president. The Republican Party had not only lost the reform and liberal factions, but was in itself divided, some adhering to the leadership of the mulatto, Pinchback,<sup>17</sup> and others to United States Marshall S. B. Packard. However, Packard's faction agreed to harmonize with the Pinchback faction, and William Pitt Kellogg and a negro, C. C. Antoine, were nominated by this combination for governor and lieutenant-governor, respectively. The election day saw less of actual riot and intimidation than the previous ones, although the charges of fraud were more vociferous and furious than ever.

A returning-board, composed of the governor, lieutenant-governor, secretary of state, and two senators, was authorized by the election bill which had been passed after a hated discussion among the legislators,<sup>18</sup> to "throw out returns from any voting places which in their judgment had been carried by violence, intimidation, bribery, or corrupt influences." On the day

<sup>15</sup>Rhodes—Vol. VII, p. 108.

<sup>16</sup>Warmoth was ruled out of the Republican Party in August, 1871, and "its organ, the National Republican, came out in boldfaced type: 'He is a traitor to the States and to the United States, and his Factious Cabal, self-dubbed a House, and the Metropolitan Thugs of New Orleans are his Right and Left hands to ply his Treason.'"—Lonn: Reconstruction in La., p. 139.

The metropolitan police, a body of men put completely under the governor's power, was created by the Assembly of 1868.

<sup>17</sup>"Pinchback was a son of a white man, who had carefully educated him in Cincinnati. He was born in Macon, Georgia, in 1837. In 1866, he was made inspector of customs in New Orleans."—Ficklen: Reconstruction in La., p. 195, Note.

<sup>18</sup>Lonn—Reconstruction in Louisiana, p. 64.

the board was to convene, Warmoth, seeing that his sympathizers were not in the majority, declared the board illegal. This resulted in Lynch, one of the senators, leaving with Herron,<sup>19</sup> the Secretary of State, and carrying with them minutes signifying their membership on the board. Warmoth to defeat them drew from his pocket a bill which had been left from the March session of the Legislature, stating in one of its sections that a returning-board of five members was to be appointed by the Senate. Since the legislature was not in session, Warmoth said it was his constitutional right to sign the bill and nominate members to the board. When the Assembly again met in December the senators declared Warmoth's board invalid and proceeded to choose a new one. "Hence the result of the canvass of the election of 1872 was the existence of two distinct governments in the State, with two complete sets of State officers and two Assemblies in which only a few of the members were accepted by both houses."<sup>20</sup> The McEnery faction sent a committee to President Grant to request that he refrain from recognizing either government before an investigation be made, and although the committee was courteously received the measures of relief applied for were refused. A Louisiana representative in Congress asked that a committee be sent to Louisiana to investigate conditions there, and one was appointed but Congress adjourned before the committee decided upon any definite action. When Congress was drawing perilously near to its close, Grant in a message warned them that a failure on their part to take some definite action would constitute a recognition of the Kellogg government.<sup>21</sup>

"While Louisiana was sending out her frantic appeal for help, Congress, the one power which could have altered the trend of events, was standing by passive."<sup>22</sup> Owing to Grant's support "of the Kellogg regime, this State had yet to pass through two more years of turbulence, misrule, and corruption, and yet two more of very imperfect rule before she should obtain a government by her own people of intelligence and property."<sup>23</sup>

<sup>19</sup>Rhodes—VII, p. 109.

<sup>20</sup>Lonn—Reconstruction in Louisiana, p. 204.

<sup>21</sup>Richardson—VII, pp. 212, 213.

<sup>22</sup>Lonn—Reconstruction in Louisiana, p. 230.

<sup>23</sup>Rhodes—VII, p. 112.

## CHAPTER II.

### *Grant Parish and Colfax—From Peace to Pillage.*

BY 1873 society in Louisiana was in a disorganized condition, misrule and anarchy dominated her people who unquestionably misunderstood each other. Many believed that Kellogg and his associates were fraudulently elected, yet it was equally true that great numbers believed their election lawful.

"One party in Louisiana asserts that there is a conspiracy in that State, large in numbers and strength, though a minority of the legal voters, to take possession by force and fraud of the State government; \* \* \* to deprive the negro of the political and legal rights conferred on him by the fourteenth and fifteenth amendments, and, in some mode hereafter to be more fully made manifest, to reduce him to such a condition of political and personal dependence upon the whites, that the will of the latter shall be the law which determines his personal rights, and fixes the price and condition of his labor. It is further charged that, in the execution of this purpose, vast numbers of murders have been committed; that the enforcement of the law has ceased over large districts; and that by terror, violence, and fraud, the holding of fair and peaceable elections, and fairly ascertaining the result, has been rendered impossible.

"The other party, denying these charges, claim that the State of Louisiana has fallen into the control of the negro population, under the lead of a few white persons, mostly adventurers from other States, who have possessed themselves of the State and local offices, which they have administered corruptly and wastefully for personal gain, \* \* \* that the people of the State have twice fairly elected other officers; but that the popular will has been frustrated by fraud, which would have been ineffective but for the forcible interference of the National Government. They claim that whatever violence has been used on their side is but the natural action of freemen endeavoring to assert their political rights, or at least is to be pardoned to men smarting under a sense of wrong and tyranny."<sup>24</sup>

A thorough investigation of the election of 1872 to ascertain the lawfully elected officials was impossible for the actions of the officials were tainted with fraud, and illegality, and the decisions

<sup>24</sup>43rd Congress, 2nd Session—Reports of Committees of the House of Representatives. Conditions of the South—1874-1875—Washington—Government Printing Office, 1875.—Report No. 261, pp. 5-6.

of the returning-boards can not be relied upon.<sup>25</sup> Crime and lawlessness were rampant and the clash of the two races at the village of Colfax in Grant Parish was one manifestation of the unsettled conditions in the state.

Grant Parish, which lies on the north bank of the Red River, three hundred and fifty miles northwest of New Orleans, was carved from that part of Rapides Parish lying east of the Red River, and the southern part of Winn Parish, by the influence of Willie Calhoun. Numerous white citizens of that section had signed a petition requesting "a new parish with different outlines to those of the Parish as created. Willie Calhoun, being on good terms with the then carpet-bag government, cut the names from the petition and attached them to his own, making his farm county seat,"<sup>26</sup> and induced the friendly members of the legislature to procure the passage of the bill creating Grant Parish with Colfax its capital, naming them after the then President and Vice-President. "This accounts for the Republican names of this decidedly Democratic Parish and Town."<sup>27</sup> There were about five hundred inhabitants of the parish at this time, the races being almost equally divided in number. A belt of lowland, varying in width from one to three miles, skirts the north bank of the river for the entire length of the Parish. This is for the most part cleared of timber and divided into large plantations. To the north of this belt of lowland the character of the country changes, the land becomes rolling and was then covered with pine forests, while the farms are smaller and not nearly so productive. The large majority of negroes live in the lowlands on the plantations, while in the uplands the whites predominate.<sup>28</sup>

Colfax is a small village on the north side of the river, occupying a position on a high bank which descends rather abruptly to the water level.<sup>29</sup> The town, located in the lowlands about thirty miles from Alexandria, is surrounded by large plantations, with comparatively few whites and a dense negro population. The village then comprised four or five dwelling houses, two or three stores and a brick building which had formerly been a stable, the property of Mr. William Calhoun. The population numbered perhaps seventy-five or one hundred.<sup>30</sup> When

<sup>25</sup>*Ibid.*, p. 24.

<sup>26</sup>J. E. Dunn to A. M. Goodwyn, September 3, 1928.

<sup>27</sup>H. H. White, December 6, 1928.

<sup>28</sup>43rd Congress, 2nd Session, No. 261, II, p. 11.

<sup>29</sup>The character of the river at this point is somewhat changed today.

<sup>30</sup>43rd Congress, 2nd Session, No. 261, Part 2, p. 11.

Grant Parish was created and Colfax made the parish seat, the above mentioned stable became the court house, destined to play a gruesome part in the events of the battle which occurred there Easter Sunday, April 13, 1873. There is standing today in the center of the town a large pecan tree which is marked as one of the strategic points of the fight.

To the north and west of Colfax, a quarter of a mile distant, was a negro settlement called "Smithfield Quarters," while ten or twelve miles north of these cabins lay the little white community of Montgomery. To the east of Colfax there ran the stream, Bayou Darro, skirting the farther side of a lovely tract of virgin hardwood timber, which one may see today resplendent in its primeval beauty. Winn Parish lay to the north of Grant, Natchitoches Parish to the west, and Rapides to the south.

The Calhoun plantation was formerly planted in sugar cane and the remains of the old sugar house may yet be seen about a mile southeast of the town. Sugar culture has since receded southward and the place is now given over to the production of cotton, corn, and pecans. There are traditions to the effect that Uncle Tom's Cabin was located on this plantation, but there are similar traditions attaching to many another Red River plantation in the State.<sup>31</sup>

On the fourth day of December, 1872, Alphonse Cazabat and Christopher Columbus Nash were commissioned by John McEnery, the governor, elected on the Fusion ticket, judge and sheriff, respectively, of Grant Parish. They entered upon the discharge of their official duties the same day. Early in March, 1873, two prominent citizens, W. R. Rutland and W. A. Richardson, were sent on a mission to New Orleans to prevail upon Governor Kellogg to commission the officers duly elected by the people. Kellogg went so far as to have Nash's commission made out and his appointment announced in the official organ—*The New Orleans Republican*—yet "with that duplicity and hypocrisy which is part of his nature" he commissioned R. C. Register judge, and Daniel Shaw, sheriff, of Grant Parish.<sup>32</sup>

On the 23rd of March, four of Kellogg's henchmen appeared in Colfax: Brantley, Kellogg's tax-collector; Railey, Kellogg's clerk; Flowers, a negro from Pennsylvania; and Captain William Ward, a negro representative in Kellogg's legislature and for-

<sup>31</sup>H. H. White to Author, December 6, 1928.  
<sup>32</sup>43rd Congress, 2nd Session, No. 261, Part 2, p. 14.

merly officer of a militia company in Grant Parish.<sup>33</sup> On that day Register and Shaw, unopposed, took possession of the court house,<sup>34</sup> and "that night for reasons best known to themselves, they began to summon armed negroes into Colfax."<sup>35</sup> By April 13, it was variously estimated that the assemblage of armed negroes in Colfax numbered from one hundred and forty men to four hundred. The negroes had responded to the summons of Shaw for rumors were abroad that the white men intended retaking the court house by an armed invasion. Shaw in the meantime was made virtual prisoner by the supporters of Nash, and when he tried to escape, was pursued, captured, and put under guard.\* The assemblage of armed negroes:

"assumed a semi-military character. Three captains were elected, and lieutenants, sergeants, and corporals were appointed; men were regularly enrolled. The negroes were armed with shot-guns and Enfield rifles, and seizing upon an old steam-pipe they cut it up, and by plugging one end of each piece and drilling vents, they improvised and mounted three cannon. They constructed a line of earth-works some 300 yards in length and from 2½ to 4 feet high. Drilling was regularly kept up by Ward, Flowers, and Levi Allen, all of whom had been soldiers of the United States Army. Guards were mounted and pickets posted, while mounted squads scouted the neighboring country. No white citizens were permitted to pass into Colfax."<sup>36</sup>

The white citizens of the parish, becoming alarmed, called a mass meeting for April 1st, to be held in Colfax, to which the negroes were invited, the object being to settle, if possible, the existing difficulties. The delegates to this mass meeting, appointed by the community of Montgomery, were instructed by unanimous vote to go to Colfax unarmed. Due to the hostile attitude of the

<sup>33</sup>43rd Congress, 2nd Session, No. 261, Part 2, pp. 11, 13. William Ward was "a full blooded negro some thirty-five years years of age. In his face he bears the indications of all the worst qualities of his race and none of the better." He was later expelled from Kellogg's legislature "for his ruffianism on the floor of the house."

<sup>34</sup>Ibid—Part III, p. 409. As the court house was locked and the key was in the possession of Nash, a little negro boy was put through the window and ordered to open the door.

<sup>35</sup>Ibid—Part I, pp. 14, 15.

\*43rd Congress, 2nd Session, No. 261, Part II, p. 14. After the battle, Dan Shaw was taken up into the loft of the Calhoun sugar house, where he was perilously stationed at one end of a plank which had been placed across a sill. A noose was fitted about his neck. Holding the other end of the plank, ready for the word to be given to dump him off, was Mr. Bob Whittington. Dan, as did Calhoun when confronted by death, gave the Masonic distress sign, and thus saved his life. (Conversation of W. L. Tanner with author.)

<sup>36</sup>43rd Congress, 2nd Session, No. 261, Part II, p. 15.

negroes, these delegates were prevented from attending the meeting. In fact, it was never held, for when Mr. Hadnot and some ten or fifteen of his neighbors rode into Colfax the morning of April 1st, they left almost immediately as no one else had come to attend it and the town was full of armed and embittered negroes. As they rode away they were followed for some distance by a crowd of the armed and mounted blacks.<sup>37</sup>

Four days later, a small party of white men, armed with pistols and mounted, came within a mile of Colfax where they were fired upon by some two hundred negroes led by Levi Allen and Alexander Tillman. The whites returned the fire, then retreated, pursued by the negroes. "Of this affair Captain William Ward writes to Rev. Jacob Johnson (colored), under date of April 6: 'I am in command; I had a battle with the whites yesterday and repulsed them; one man was seen to fall, but got off.' In the same letter he calls for aid and exhorts 'the brothers to come to each other's 'sistance' as the whites does.'"<sup>38</sup> A day or two after this a conference was held between a commission appointed by the people of Montgomery and the negroes of Colfax, and during the discussion of a treaty to be formed, the conference was broken up by the news that Jesse Kinney, a colored man and father of several children, was murdered by a band of white men while he was industriously and peaceably building a fence.<sup>39</sup>

Despite efforts at conciliation, riot had become rampant in Grant Parish. A weird tale is told of how the dream of Judge Rutland, a prominent lawyer and politician of that community, "came true." As he was taking his customary nap on a lounge in the hall he dreamed "that a mob of negroes was being organized at or near the court house with the intention of coming to his house, kill him and his family, rob his house and burn it to the ground."<sup>40</sup> This disturbing dream he told to his wife upon awakening. The word had hardly fallen from his lips when a friendly negro ran into the yard, and warned Rutland of the plot of the blacks to put into effect just what he had dreamed and what was already in process of fulfillment. Rutland with his family ran to the river's bank where they were confronted

<sup>37</sup>43rd Congress, 2nd Session, No. 261, Part II, p. 15.

<sup>38</sup>Ibid—Part II, p. 15.

<sup>39</sup>Ibid—Part III, p. 410.

<sup>40</sup>Grant Parish *Enterprise*. History of Colfax, Judge John A. Williams, September 20, 1928.

by the ferryman and two white men friendly to the negroes. Fortunately, through Rutland's friendship, they were induced to ferry the terror stricken family across the river. When the negroes discovered their escape they rushed to the river's edge but dared not fire, as the scalawags stood between them and the Rutland family. Thus they barely escaped death. From across the river the family witnessed the destruction of their home and cherished belongings at the hands of the negroes. A casket containing an unburied child of Judge Rutland was broken open and the body thrown face down upon the ground.<sup>41</sup> The negroes guilty of this outrage were led by one "Flower, a little, sleek, black negro—a schoolmaster." After the pillage was completed and the articles of value carried away, several casks of Rutland's wine were broken open and the rest of the night was spent in riot and debauch.<sup>42</sup>

Samuel Cuny, the negro postmaster, was obliged to close the post office and remove the mails. The house of Judge W. A. Richardson was fired upon. A Mr. Lewis' life was threatened. "Mr. Pruitt was told by three rioters that they intended to go to the country and kill from the cradle to old age." Lewis Mickens (colored) led a band to the home of J. W. Hadnot, but they were forced to retire.<sup>43</sup> Horses and cattle were stolen. The negroes brazenly boasted that they intended to establish a new race by killing off the white men and taking for their wives and servants the white women. Peaceable negroes at work were forced to accompany the hostile ones to Colfax under instant penalty of death. Many white families fled thirty to forty miles into the woods to escape the dangers threatening them.<sup>44</sup>

It is evident that Kellogg and his colleagues were fully aware of the existing conditions in Colfax up to the time of battle. After Judge Rutland's narrow escape he went to Montgomery where he boarded a steamboat bound for New Orleans, and which was scheduled to stop as it passed Colfax. The negroes, learning that Rutland was aboard, crowded on the bank, gleeful in their anticipation of what they were to do to him.

<sup>41</sup>Grant Parish *Enterprise*, September 20, 1928.

<sup>42</sup>43rd Congress, 2nd Session, No. 261, Part II, p. 15.

<sup>43</sup>*Ibid.*, p. 16.

<sup>44</sup>Conversation of Mrs. O. A. LeSage with author. Mrs. O. A. LeSage, niece of C. C. Nash, related that her uncle, fearing murder, took refuge in the barn of Mr. Hadnot, where some negroes were sent to kill him, but on their arrival they said: "Mr. Nash, we can't kill you."

Conversation, with Mrs. LeSage, November 28, 1928.

Three times the steamboat circled and feigned a landing, and when the negroes perceived the pilot's intentions, they ran along the shore threatening to shoot him out of the pilot house unless he delivered Rutland into their hands.<sup>45</sup> So Colfax and its hostile reception committee were left behind and as the boat passed Alexandria, "Col. R. A. Hunter, an old and distinguished citizen of Louisiana, came on the boat and wrote a letter to Kellogg, advising him of the fearful state of affairs in Grant Parish, and warning him that unless he intervened there would be bloodshed. This letter he gave to Rutland to bear to Kellogg."<sup>46</sup>

On the ninth day of April, four days before the battle, Rutland appeared before Kellogg at the St. Louis Hotel in New Orleans, bearing a petition to him from citizens of Grant Parish, and the letter from Colonel Robert A. Hunter, and also a dis-honored warrant for the arrest of robbers of his home, the execution of which the rioters in Colfax had forcibly prevented. The governor was informed of the lawlessness which existed there and was urged to send aid. Rutland was driven in Kellogg's carriage to the office of the Adjutant-General of Louisiana, James Longstreet,<sup>47</sup> who expressed his willingness to go to Colfax with twenty metropolitan police, and it was agreed that he should leave that evening. The governor must indeed have changed his mind following that interview, for assuredly no metropolitan police were sent to stay the strife. From Longstreet's office Kellogg and Rutland went to that of United States District Attorney Beckwith. Beckwith was likewise informed of the apprehended trouble, but declined any assistance, "declaring the Ku-Klux law<sup>48</sup> was 'only made and intended for white men and not for negroes.'" Next they went to the headquarters of Major-General Emery, who was in command of the military department for the July district. Here Rutland was received courteously but he was unable to secure aid or interference in behalf of peace and order in Grant Parish.<sup>49</sup>

<sup>45</sup>Grant Parish *Enterprise*, September 20, 1928.

Conversation of Judge J. A. Williams with author, December 28, 1928.

<sup>46</sup>43rd Congress, 2nd Session, No. 261, Part II, p. 16.

<sup>47</sup>During the September Rebellion in New Orleans, in 1874, "Longstreet, an ex-Confederate officer, had been execrated for accepting office as head of the militia under Radicalism. When he recognized many of the 'boys' who had served under his command in the war and heard the (rebel) yell, he blanched."—Lonn: Reconstruction in Louisiana, p. 271.

<sup>48</sup>The Ku Klux Act authorized the President "to suspend the privilege of the writ of habeas corpus and it made it his duty to employ armed force to suppress opposition."—Charles Ramsdell Lingley: Since the Civil War, New York, The Century Co., 1926, p. 24.

<sup>49</sup>43rd Congress, 2nd Session, No. 261, Part II, p. 16.

Ward, Flowers, Register and Brantley, the fomentors of trouble in Colfax, who had assembled and inflamed the negroes with speeches, who had organized and drilled them, on the night of April 8th quietly and secretly left Colfax and arrived in New Orleans two days later. The evening of Thursday, April 10th, United States Deputy Marshal DeKlyne and Colonel Wright went on board a boat leaving for Colfax, and registered for that place, but just before the hour of departure, went ashore, having, it is supposed, received orders to that effect.<sup>50</sup> It is to be remembered that on that very day Kellogg's henchmen had arrived from Colfax. There was yet time for Kellogg to send a messenger of peace to Colfax.

On Saturday, the 12th of April, the day before the battle, there was published in the "*Republican*, the organ of Kellogg, the 'official journal'" the following articles:

"But there is one thing apparent: the local majority of Grant Parish is prepared to clean out the local minority of Grant in twenty-four hours or less.—In Grant Parish it seems there is a local majority of colored men, not only accustomed to the trade of war, but equipped with arms of the most perfect character."

And also:

"According to the last reports from the scene of conflict the difficulties in Grant Parish seem to have been more serious than at first believed. The colored population seem to have reached a height of exasperation and resolved to obtain a redress of the wrongs they had suffered, or believed they have suffered, and not to disband until they had obtained guarantees for the future.

"According to statements most worthy of belief, they are well armed, well disciplined, and confident of success. The provocation which has driven them to that attitude is not very clear.—The negroes, not even the field hands, are no longer the weak and simple creatures they were before the war. The years of freedom which they have enjoyed have had their effect on them, as well as the military education which many of them received in the United States Army. The time is past, if ever it existed, when a handful of whites could frighten a regiment of colored men."

"These cold blooded utterances could spring only from full knowledge of the situation."<sup>51</sup>

<sup>50</sup>Ibid.

<sup>51</sup>43rd Congress, 2nd Session, Report 261, Part 2, *Marr's Account*, p. 17.

Why Kellogg refused to send aid, perhaps never will be known. He had men and means, he was aware of the imminent danger threatening the whites and precipitating collision between the races, and there was yet time before the riot to prevent it.

"He had sent forces to various parishes, for no other purpose than to install his appointees over the will of the people; but now to save life he would send no aid."<sup>52</sup>

Thus with all hope gone of intervention by the Kellogg government, the disputing factions at Colfax were left to carry their appeal from the ballot box to the sword.

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<sup>52</sup>*Ibid*—p. 16.

### CHAPTER III.

#### *The Appeal to Arms.*

THE carpet-baggers and scalawags in Grant Parish had infused into the hearts of the negroes hatred for the whites, and had instilled into their minds suspicion and fear that the whites wished to re-enslave them, and thus there had been produced a feverish and unsettled condition of society.<sup>53</sup> "The negroes when massed in bodies, and infuriated by passion, are known to be brutal and blood-thirsty;" consequently anxiety was easily spread among the white population which feared that an insurrection by the blacks would endanger the entire white community of the Red River Valley.<sup>54</sup> "The people were driven to desperation. Either perpetual negro rule or annihilation seemed inevitable."<sup>55</sup> "Yea, more; their families would be exposed to horrors a thousand-fold worse than death, the bloody scenes of San Domingo might be re-enacted on our soil, and the whites are compelled by every motive dear and sacred to the heart to see that no such rising on the part of the negroes shall prove a success."<sup>56</sup>

There had been no collision of races in Grant Parish prior to 1873, however, trouble of a general nature had been manifested in 1871 in which one Jeff Yawn,<sup>57</sup> a white man, had lost his life at the hands of the negroes. In that year "Longstreet reported that arms were being issued there carelessly to a militia company which was parading<sup>58</sup> lawlessly under a desperado negro captain, (William Ward) committing deeds highly prejudicial to good order and to the general interests of the community at large."<sup>59</sup> Orders were issued for the disbandment of that militia company and also for the discharge of Captain William Ward, but "Ward and his banditti refused to comply with this order, retained their arms, and continued their course of robbery, pillage, and outrage, until, emboldened by their success, they endeavored to seize by force the government of the parish, in imitation of Kellogg, and to have themselves recognized as de facto, although they were in mutiny and insubordination against the State, and

<sup>53</sup>Lonn—Reconstruction in Louisiana, p. 240.

<sup>54</sup>43rd Congress, 2nd Session, Report 261, Part 2, p. 11.

<sup>55</sup>Phelps, Albert—Louisiana—A Record of Expansion; American Commonwealth Series; Boston and New York, Houghton Mifflin Co., 1905, p. 376.

<sup>56</sup>43rd Congress, 2nd Session, No. 261, Part 2, p. 11.

<sup>57</sup>Ibid—Part 3, p. 894.

<sup>58</sup>Lonn—Reconstruction in Louisiana, p. 241.

<sup>59</sup>43rd Congress, 2nd Session, No. 261, Part 2, p. 12.

should have been indicted, tried, convicted, and imprisoned in the State penitentiary for their crimes and offenses, among which mutiny, riot and theft, and embezzlement of the State property were the least; arson, murder, burglary, and rape, and treason the greatest.”<sup>60</sup>

So matters stood when, during the first week in April, Christopher Columbus Nash, the Fusion-elected and commissioned sheriff of Grant Parish, summoned a posse of men to assist in putting down the lawlessness that gripped with horror and alarm Colfax and its vicinity.<sup>61</sup> At first this posse resembled a small home guard which made its military headquarters at Summerfield Springs, four miles north of Colfax, but soon a call for assistance was sent out to the adjoining parishes and it was not long before the response came in the form of a “veritable army—coming from Winn, Rapides, and Natchitoches parishes, Sicily Island (in Catahoula Parish) and elsewhere to lend a helping hand to suppress negro domination.”<sup>62</sup>

Mr. Charles A. Duplissey, one of the few present-day survivors of the riot, stated that he was summoned to patrol duty by C. C. Nash and for eight days patrolled up and down the Rigolette, and on the night of the eleventh, he continued,—

“Myself and nine others got together at the church house, three miles this side of the Darro ferry bridge, stayed all night there and just at day-break, Capt. Dave Paul, Webb Taylor, Joe Texado, and a crowd of thirty came from Rapides Parish to the church house to where we was.—Capt. Dave. Paul took command. We crossed the Darro next morning and went into the Colfax field and met the crowd from Montgomery up at the dirt bridge there at the upper end of Colfax. We met men that had come in from Winn—something over a hundred men—and a man, by the name of Byrd, was in command of them. Then we came back east of the Darro again to the same church house, and camped there the night before the battle. That night about two o’clock, there was thirty Catahoulians come, and Wash Wiggins was in command of them.”<sup>63</sup>

Mr. W. Lod Tanner, another of the few participants now living, said: “About a week before we went up there (Colfax) the news came to Cheneyville (Rapides Parish) how things

<sup>60</sup>43rd Congress, 2nd Session, No. 261, Part 2, p. 12.

<sup>61</sup>*Ibid*—p. 17.

<sup>62</sup>Grant Parish *Enterprise*, August 30, 1928.

<sup>63</sup>Conversation of C. A. Duplissey with author, December 27, 1928.

were. Well, I paid not much attention to it, as I was going to see my best girl then," but several nights after that Mr. Tanner had stayed up late cleaning his gun, with the intention of going hunting the next morning. He had just finished when Mr. Ed C. Herbert called him and asked if he would answer the appeal from Colfax, which Mr. Tanner loyally accepted. Eleven went from Cheneyville under the command of George Stafford. They included, besides the commander, W. Lod Tanner, E. C. Herbert, John D. Johnson, Thad Robert, Norton R. Roberts, Harry S. Mason from Horton, Texas, J. L. Mason from Madison County, Texas, Charlie Weems, Charlie Wells, and Ed L. Watkins. The morning of the twelfth, they reached Alexandria, where Dr. Cockerille took them all to his home for breakfast, after which they left for Colfax. When they arrived late that evening at the Darro, where others had already assembled, Captain Paul, upon seeing them, "slapped Mr. Hadnot on the knee crying, 'I am going into Colfax tomorrow.'"<sup>64</sup>

"It was about the 5th or 6th day of April, in 1873," writes the Reverend Mike Smith.

"I was called on to go to Colfax to take part in helping to stop this negro uprising. Quite a lot of old men and boys met at Alex crossed the river there [Seeing] a Steamer tied up on the Pineville side a few of us went aboard [...] About 3 of the boys Surched The Boat down in the nary bottom in the scuddle hold they found Will Calhoun. Evidently he was on his way to New Orleans. After this we taken Calhoun and Started for the seat of war. We went a few miles stope by a little Branch or creek and Surched Calhoun found nothing on or a bought his Boddy. last pulled [off] his Butes found a letter from the Negro Captin Ward directed to the Govinor \* \* \* If I remember right we turned Calhoun"<sup>65</sup>

<sup>64</sup>43rd Congress, 2nd Session, No. 261, Part III, p. 411.

"Sometime early in April \* \* \* Mr. William C. Calhoun, I think a cripple, was sent from Colfax to the city of New Orleans to invoke aid from the governor. \* \* \* He embarked on a steamboat some little distance below Colfax and reached Pineville, opposite Alexandria. When the boat came up to the landing it was boarded by a lot of people. Mr. Calhoun was taken off, searched in Pineville, and then started back, under escort, for Colfax. \* \* \* Next morning he was stripped and searched, and this letter he had to authorities in the city of New Orleans taken away from him, and therefore that message, which would have probably reached the authorities in time enough to have averted the massacre, was arrested."

"After the riot Willie Calhoun came back to Colfax on the boat with the Metropolitan Police. While anchored at Alexandria some white men, among whom were Dave Paul, Jake Geiger, Henry Luckett, and Jonas Rosenthal, went on board with the intention of throwing him overboard. Mr. Rosenthal related: "Well, we commenced drinking. Pinchback \* \* \* set us up to champaign. \* \* \* He got the best of us. We got tight and he got sober. \* \* \*" Consequently Calhoun's life was spared.—Conversation with author, December 28, 1928.

at liberty with the understanding that he would go home and use his influence to Stop the Riot. \* \* \* The next Stop we made was at the home of that venerable Great and good man Cap John Hadnot who lost his life in the Riot [.] We taken super with him we went on that night and we arristed a fellow by the name of Powel. \* \* \* We got to the fery on the Darrow [at] day broke we was then in 2 or 3 [miles] of Colfax we realized if we crossed over that we didnt have any show against 3 or 4 hundred negroes So we return hom Subject to go at anytime. \* \* \* As for Powell he promised to if we had to return that he would be with us. Shure a nough when we went back on the 13th Powel was mounted and armed ready for Battle."

On the twelfth, the Reverend Smith reached the Darro again and this time "we found things quite different we met a good lot of men, most of them from Grant and Catahuler."<sup>66</sup>

That night the Catahoula boys came in. "When that Tytanic Black Hand was sweeping over the Red River Valley in 1873 we Catahoula Parish boys—then known as The Old Time Ku Klux Klan—were called to the Test of White Supremacy and rescue of the Town of Colfax in Grant Parish, La.," writes Mr. A. L. Hopkins. "We boys of Sicily Island, La., (of which I am the only survivor), were initiated into the 'Knights of the White Camelia' by the Late Col. Throckmorton of DeSoto Parish and afterwards merged into the K. K. K.—Our warfare was only against the Carpet bagger, Scalawag, Provost Marshalls, who were leading the poor innocent negroes in their efforts to overrule the White Citizen for Power and Equality. We Island Boys (before mentioned) were the last arriving at the place of Rendezvous, preparatory for the engagement on Sunday morning at daybreak. The other Catahoula boys from Harrisonburg, Little River, and the Lake Hills, with Capt. J. W. Wiggins and Hon. C. J. Boatner, had proceeded us."<sup>67</sup>

On the banks of Bayou Darro was drawn up the line of battle, composed of about one hundred and fifty white men, with C. C. Nash acknowledged leader. Captain Paul rode down the line, taking the names and numbering each man, and asking those afraid to die for white supremacy, and those unwilling to sacrifice their lives, to step out of line, for the danger confronting them in Colfax was great and "God only knows who will come

<sup>66</sup>Rev. Mike Smith to author, February 6, 1929.

<sup>67</sup>A. L. Hopkins to author, December 2, 1928.

out." Continuing he added that those who did escape alive would probably be prosecuted for treason, and treason meant death. For one-sixth of the little army the prospect of imminent death or execution for treason far outweighed the comforting thought of offering their bodies as a sacrifice upon the altar of white supremacy; some twenty-five men stepped out of line.<sup>68</sup> For the others, the Bayou Darro was a Southern Rubicon; as they crossed it, the die was cast.

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<sup>68</sup>Conversation of A. L. Hopkins with author, December 2, 1928.

## CHAPTER IV.

### *The Battle.*

THE line of battle, formed on the banks of the Darro, composed of men who had pledged themselves to rid the country of those whom they termed "Black Devils,"<sup>69</sup> advanced within four hundred yards of Smithfield Quarters, where Nash commanded them to halt. Accompanied by Mr. Duplissey and Captain Paul, Nash rode under a flag of truce to the negro settlement and forced John Miles,<sup>70</sup> a colored man, who was found there, to bring the commander of the negroes, Levi Allen, before them. Repeated demands had already been made that the negroes disband under penalty of being driven out by force,<sup>71</sup> and this Easter morning Allen again refused to disperse his negro band, surrender the negroes for whom Nash had warrants, and return the court house to the white men.<sup>72</sup> Mr. Duplissey said that upon hearing Allen's final refusal, Mr. Nash responded, "I give you two hours<sup>73</sup> to get your negro women and children and all the negroes who do not want to fight out of town; we are going to get 'em." Allen's response was, "I'll see you when you get 'em," whereupon he turned and upon his fine big dapple gray mare<sup>74</sup> rode back to his sable cohorts.<sup>75</sup>

Every effort at conciliation up to this time had come from the whites; the contemplated mass meetings for arbitration, the sending of Judge Rutland to New Orleans to secure aid from Governor Kellogg; the chance for Levi Allen to disperse his men and surrender the court house; all had failed.

The negroes had thrown up breastworks near the court house in the shape of a crescent,

"by digging a ditch and throwing up the dirt that came out of it. . . It commenced at or near the northwest corner of the present court house and ran in the direction of

<sup>69</sup>Rev. Mike Smith to author, February 6, 1929.

<sup>70</sup>J. E. Dunn, to A. M. Goodwyn, September 3, 1928: "John crept under a house below town, when the firing began, said the ants bit him severely but he stuck it out as ant bites were less harmful than wild bullets."

<sup>71</sup>Colfax Chronicle, April 9, 1921.

<sup>72</sup>43rd Congress, 2nd Session, No. 261, Part II, p. 17.

<sup>73</sup>Judge J. A. Williams stated that fifteen minutes time was granted the negro women and children to leave town. Grant Parish Enterprise, August 30, 1928. Hon. R. Marr and Mr. George Stafford said half-an-hour was allotted to them. 43rd Congress, 2nd Session, No. 261, Part 2, p. 18; Part 3, p. 847.

<sup>74</sup>Mr. Hopkins related that Allen, "a big pompous fellow, came out riding a magnificent black horse, and waving a sword. He hooted at the idea and dared us to come on and take him."

<sup>75</sup>Conversation of C. A. Duplissey with author, December 27, 1928.

J. A. Williams' office to about the center of the street, then turned in the direction of the Kaiser filling station to about the corner of the same, then went into the direction of the residence of C. C. Nash. All of this can be verified by this writer, as he has been present on three different occasions when the ditch was dug into and bones taken out. The first time when the well on the court house square was being bored, the second time when a horse rack was being constructed just north of the court house. Third, when the Jefferson Highway (markers) were being located near the corner of the Kaiser Brothers' filling station. The interesting part of the third time is that as bones were being taken from the ditch, several Colfax veterans stood by and saw them taken out."<sup>76</sup>

About noon that Easter Sunday, Nash ordered every fifth man to hold the others' horses while they advanced on Smithfield Quarters to capture it, without firing a gun, if possible. As Mr. Hopkins was number five, he induced his friend, B. Dorsey, to take his place holding the horses.<sup>77</sup> This advance was met by negro fire from their two improvised cannon. Without loss of life the quarters were taken and the negroes sought refuge behind the breastworks.<sup>78</sup> Those who had long range rifles<sup>79</sup> were ordered to form a skirmish line and their supporting artillery was to be a little cannon taken from the steamboat, *The John T. Moore*. The cannon was lashed to the hind wheels of a wagon, the two front ones having been removed.<sup>80</sup> This gun was amply supplied with slugs of iron and pieces of trace chains prepared at the Morehead blacksmith shop in Montgomery by the Reverend J. S. Payne and others.<sup>81</sup> Up until time for a concentrated attack the skirmish line engaged the negroes, many of whom stood on the breastworks cursing and daring the whites to come on.<sup>82</sup>

<sup>76</sup>Grant Parish *Enterprise*, August 9, 1928. Mr. A. L. Hopkins also said he was present when some bones were unearthed.

<sup>77</sup>Conversation of A. L. Hopkins with author, December 2, 1928.

<sup>78</sup>43rd Congress, 2nd Session, No. 261, Part 2, p. 18.

<sup>79</sup>"The line of skirmishers, eighteen in number, were thrown out, comprising all the improved arms of all descriptions, viz: several Spencer rifles, one Smith & Wesson, one needle-gun, one Colt's revolving rifle, Sharp's rifle, etc., but no Winchester or Henry rifles. \* \* \* The remainder of the men were armed with shot guns and revolvers."—43rd Congress, 2nd session, No. 261, Part III, p. 848. The needle-gun carried by Jimmie Dillon was owned by E. J. Barrett.

<sup>80</sup>*Ibid*—p. 847.

<sup>81</sup>Grant Parish *Enterprise*, August 30, 1928: Mr. J. E. Dunn said he had "always been told that Captain William Boardman of Str. Southwestern gave them the cannon," and that the blacksmith shop in Montgomery was owned by Dennis Chelette. J. E. Dunn to A. M. Goodwyn, September 10, 1928.

<sup>82</sup>Conversation of A. L. Hopkins with author.

While the skirmishing was going on Mr. Hopkins and others left at Smithfield Quarters, finding dinner cooked and hot, for it was then noon, went into the cleanest and best cabin and ate heartily, although Colonel Boatner, fearing the food had been poisoned, refused to partake.<sup>83</sup> Mr. Tanner related that while they were they were waiting for the actual fighting to commence, "myself and one of these Mason men that came with us —we got in a quiet little game of seven-up, on the battle line, for \$1.00 a game, and was not paying much attention, letting them get things ready, you know, but it seems that there was a nigger up in the top of the building (courthouse) that had a long range gun, and he decided he would break up our little tea party, so he got to shooting at us. The first bullet struck back about fifteen feet from us, and we did not stop. The next one struck about three feet from us, and I says, 'Jim, I don't want to die at a card table, nor in a bar room. Let's quit.' He says, 'Suit yourself,' so we quit. The next thing we knew was, 'Let's go, boys'."<sup>84</sup> They then mounted their horses, to hold themselves in readiness for the charge.

About this time, now 2 o'clock in the afternoon, it was decided to send a "detachment" of thirty men or so, under the command of Mr. James Daniels, along the river bank to creep up behind the breastworks and open fire on the unsuspecting darkies. Those in front of the entrenchments were to keep up a constant fire so that the attention of the negroes would be diverted from the approach of the party creeping along the river. At a given signal, those in front were to make a charge on the trenches.<sup>85</sup> In the river division there was an old Virginia soldier, Ezekiel B. Powell, who, after scouting around, had conceived this plan of charging down under the river bank and coming out at the opening of the breastworks. As he was a stranger, Jim Daniels doubted the wisdom of making such a charge, but Mr. Duplissey, turning to Mr. Daniels, said: "This man is an old Confederate soldier, and he has been down examining things, and this man says if we can take them trenches we can drive them out."<sup>86</sup> The sequel was to prove the wisdom of the ex-Confederate's plan.

<sup>83</sup>A. L. Hopkins to author, December 21, 1928.

<sup>84</sup>Conversation of W. Lod Tanner with author, December 28, 1928.

<sup>85</sup>Colfax Chronicle, April 9, 1921.

<sup>86</sup>Conversation of C. A. Duplissey with author, December 27, 1928. "The little trail still remains there which they traveled as they came up the bank."—Grant Parish Enterprise, August 30, 1928.

As they moved along they took with them the cannon commanded by Mr. Parish. Coming out at the opening of the fortifications they poured a volley into the trenches. The negroes, panic-stricken, broke and ran, some down the river road making good their escape, others seeking refuge in the brick court house,<sup>87</sup> having first to tear down a picket fence<sup>88</sup> in order to reach it. In the confusion which followed, Mr. Parish was shot, and "the poor fellow bled to death."<sup>89</sup> His comrades succeeded in getting him off the field and his place was taken by a brave little lad of fifteen years.<sup>90</sup>

As the river division gained a commanding view of the breastworks, the charge by those in front was made. Their morale shattered, the negro cavalry under the command of Levi Allen fled and although they outran the whites, they suffered several casualties.<sup>91</sup> Finally protection seemed to offer itself in a thick wood near Mirabeau Quarters, but Captain Paul, sensing the danger awaiting them in the dense forest called a halt, crying "Hold up! We don't know what is in there."<sup>92</sup>

The negroes now had no one in command, for Levi Allen had fled and the white Republicans and negro politicians who had urged them on had already quitted Confax in favor of places "where they could [better] care for their own scalps."<sup>93</sup> Their two improvised cannon had burst, their cavalry had fled, and many others had escaped on foot to the fields and wood; their breastworks had been levelled to the ground. To the hundred refugees in the court house, now surrounded by the white men, the sound of the trace chains, shot from the saluting cannon, ricocheting on the ground and striking the nearby houses must have been terrifying indeed. Mr. Tanner remarked that the sound "made nice music to us."<sup>94</sup> At this juncture the court

<sup>87</sup>Alexander Tilman was in command of the negroes in the court house. 43rd Congress, 2nd Session, No. 261, Part III, p. 849.

<sup>88</sup>Conversation of W. L. Tanner with author, December 28, 1928.

<sup>89</sup>Rev. Michael Smith to author, February 6, 1929.

<sup>90</sup>Mr. Tanner helped to carry Parish from the scene of action and as Mr. Tanner was holding the bleeding artery of the dying man until a surgeon could arrive, Captain Paul appeared and asked Mr. Tanner to go with him and several others in chase of the fleeing negro cavalry. Mr. Tanner continued: "I would like to go but, Captain, you see what I am doing. \* \* \* Parish then spoke up: 'Go along son.' I responded, 'If I do you will bleed to death,' but Parish said, 'That is all right.' I left him and went with Captain Paul."—Conversation of W. L. Tanner with author, December 28, 1928.

<sup>91</sup>Conversation of A. L. Hopkins with author, December 2, 1928. Corroborated by Geo. Stafford, 43 Congress, 2nd Session, No. 261, Part III, p. 849.

<sup>92</sup>C. A. Duplissey—Levi made his escape across the river, and into Harrisonburg, and from there to New Orleans where his colleagues were.

<sup>93</sup>Judge J. A. Williams, No. 10.

<sup>94</sup>Conversation of W. L. Tanner with author.

house burst into flames, but the exact origin of the fire remains unknown.<sup>95</sup>

One account ran thus: "Under a little gallery along side of the brick building was found a negro in hiding. \* \* \* To this negro was given the duty of setting the court house on fire, which he did by first setting fire to a cistern nearby \* \* \* and then throwing a can of oil in the hall, setting it on fire."<sup>96</sup> Another version was that a flaming arrow was shot from a bow on to the top of the court house.<sup>97</sup> And another: "Some of the negro witnesses testify that it was fired by combustible material projected from a cannon, while others assert that it was fired by a negro prisoner, sent on purpose by the whites."<sup>98</sup> Probably the most authentic version is that Captain Peck captured an old negro, Isaiah,<sup>99</sup> and promised him safety if he carried the torch to fire the building.<sup>100</sup> Ezekiel Powell and Mr. Duplissey found some bamboo fishing poles in a negro shanty and these they wrapped together so as to bear up pretty heavy weight.<sup>101</sup> On one end was tied cotton taken from the saddle blanket of Wash Honeycutt's old mule,<sup>102</sup> and this they saturated with kerosene. The eaves on the side of the court house facing the river were low enough to reach by standing on the ground, and, forming a line behind Isaiah to make him fulfill this mission, he was forced to reach up with the torch thus setting fire to the shingles covering the eaves. Some of the negroes tried to punch off the burning shingles, but by keeping up a hot fire the white men soon forced them to desist.<sup>103</sup> In a few minutes flags of truce were run out at several windows and the besiegers ceased firing immediately.

It seemed that there were two factions of negroes in the court house; one, mostly young darkies who had wished to sur-

<sup>95</sup>"There were only two ways for us to take the courthouse—one, a charge at immense sacrifice of life and the certain death of every negro at the hands of the infuriated survivors; the other, to fire it and thereby force a surrender."—43rd Congress, 2nd Session, No. 261, Part III, p. 849.

<sup>96</sup>Grant Parish Enterprise, August 30, 1928.

<sup>97</sup>H. H. White told the author this tale, although he discredits its authenticity.

<sup>98</sup>43rd Congress, 2nd Session, No. 261, Part 2, p. 18.

<sup>99</sup>*Ibid.*, Part 3, p. 849. Some claim that the negro's name was Pinckney Chambers.—*Ibid.*, p. 412.

<sup>100</sup>Conversation of A. L. Hopkins with author, December 2, 1928.

<sup>101</sup>Conversation of C. A. Duplissey with author, December 27, 1928. Mr. Duplissey related that an old crazy negro, a servant of Mr. George Stafford during the war, came up to surrender and he was given the flaming torch.

<sup>102</sup>Conversation of A. L. Hopkins with author, December 2, 1928. That night after the battle, the Sicily Island boys camped in the Calhoun sugar house and with them was Isaiah. While all were asleep, Isaiah stole out, taking Mr. Hopkins' shot gun.

<sup>103</sup>Conversation of A. L. Hopkins with author, corroborated by C. A. Duplissey.

render earlier, but had been prevented by some older negroes who were filled with undying hatred for the white race. These latter were under the command of Alex Tilman. Mr. Hadnot, Sidney Harris, A. L. Hopkins, C. A. Duplissey and several others, seeing the flag of truce and being desirous of making terms of capitulation as quickly as possible and letting the negroes escape from the burning building, rushed up to the court house. When they reached the door a volley was fired at them by the Tilman faction, mortally wounding Mr. Hadnot,<sup>104</sup> and Mr. Harris who fell in the doorway.

Infuriated at this cowardly and treacherous murder of their comrades who had been thus lured to their death by the false flag of truce, the whites slaughtered many of the negroes as they rushed from the burning building,<sup>105</sup> and many "were ridden down in the open fields and shot without mercy."<sup>106</sup> Those lying wounded on the court house square were pinned to the ground by bayonets.<sup>107</sup> By four o'clock all firing had ceased and about forty of the fleeing "black sons of Canon,"<sup>108</sup> as the Rev. Smith called them, were put under guard and taken to an "old garden surrounded by a picket fence, \* \* \* ostensibly to bring them to Alexandria to jail."<sup>109</sup>

Late that afternoon, said Mr. Duplissey, "Captain Dave Paul and Mr. Yawn came walking by me and says, 'We got most of them, but the man which we want. We don't see him among

<sup>104</sup>Conversation of A. L. Hopkins with author, corroborated by C. A. Duplissey: "Mr. Hadnot did not fall; he caught to my shoulder—my right shoulder, right that way, and he got hold of a shrub and stood there," told Mr. Duplissey, but Mr. Hopkins said of him: "He was falling and I put one arm around him and Duplissey put his arm around him, and we carried him toward the river, and met Gilly Hadnot, a son of Captain James Hadnot, and I said, 'Here, Gilly, here is your father. He is badly wounded.'"

<sup>105</sup>According to Mr. George Stafford, the more docile young negroes rushed out as soon as flags of truce were thrust from the windows, crying, "Don't shoot, we are whipped." \* \* \* When the negroes commenced coming out, the whites \* \* \* advanced, without orders, to receive them, doing so quietly and with no threatening aspect. Everyone thinking the fighting was over, a cry was raised of "save the courthouse," and a rush was made toward it. \* \* \* as soon as this squad (of young negroes) got out of the way and Tilman and his band of outlaws and assassins caught sight of the whites \* \* \* they commenced their murderous work, shooting down Messrs. Hadnot and Harris.—43rd Congress, 2nd Session, No. 261, Part III, p. 850.

<sup>106</sup>Colfax Chronicle, April 9, 1921.

<sup>107</sup>The Reverend Mike Smith said of the scene of carnage: " \* \* \* by the time the job was finished it looked to me like any one could have walked on dead negroes almost an acre big." An old darkey, J. U. Elder, still living in Colfax, was among the wounded but noticing the whites kick a form lying on the ground and kill the negro if he moved or groaned, lay still as death when he in turn was kicked.—Conversation of A. M. Goodwyn with author, November 28, 1928.

<sup>108</sup>The Rev. Mike Smith to author, February 2, 1929: "The poor wretches only jumped out of the frying pan into the fire."

<sup>109</sup>Conversation of W. L. Tanner with author, December 28, 1928.

the dead.' I says, 'Examine them carefully, maybe you can find him in there [the garden].' We walked down the line and there was a negro with his hat pulled down over his eyes. Jim Yawn was laying for the man who killed Jeff [in 1871]. Yawn lifted his hat up and grabbed him by the coat and says, 'I got you,' and took him about twenty steps away and shot him."<sup>110</sup>

By nightfall most of the white men had dispersed, many of them going to their homes. The Rapides and Catahoula men camped for the night at the Calhoun sugar house. When Mr. Tanner arrived there about dusk "Dave Stafford was issuing out rations. We had not had anything to eat since the night before and he gave me a section of raw pork and a piece of corn bread. That was the best supper I ever ate." That night a messenger came riding up to the sugar house and asked Tanner and Mason to help take some of the prisoners to Alexandria. "When I got back to the garden," continued Mr. Tanner, "I heard Luke Hadnot say, 'I can take five,' and five men stepped out. Luke lined them up and his old gun went off, and he killed all five of them with two shots. Then it was like popcorn in a skillet. They killed those forty-eight."<sup>111</sup>

Another version of that night's massacre, as told by the father of Mr. A. M. Goodwyn, is as follows:

"Notwithstanding this fearful carnage some forty prisoners were taken by those disposed to be more kind. At four o'clock all firing had ceased and the whites were masters of the situation. \* \* \* There was a general disbandment of the whites, many of whom went home thinking all was over.

"About dark the steamboat Southwestern came down the river, taking Mr. Hadnot, who was then in a dying state, and other seriously wounded on board. While this boat was at the landing a number of whites drank pretty freely and became intoxicated. \* \* \* After the boat was gone, and nearly all the sober and influential men had lain down to sleep, these parties, all of whom were young, reckless, and irresponsible men, determined to go to the yard where the negroes were. \* \* \* About ten o'clock before anyone was aware of their intentions, they opened fire on the defenseless negroes, who broke and ran in all directions. Of the forty negroes in the yard, about twenty were killed."<sup>112</sup>

<sup>110</sup>Conversation of C. A. Duplissey with author, December 27, 1928.

<sup>111</sup>Conversation of W. L. Tanner with author, December 28, 1928.

<sup>112</sup>Colfax Chronicle, April 9, 1921.

Neither Mr. Duplissey nor Mr. Hopkins witnessed the scene of that night's horror, for late that evening Captain Paul called together the men from Rapides and said: "Every one that came in here with me, I want them to go out with me. \* \* \* Now we have accomplished what we came here to do, and I don't want nothing touched. Get on your horses and let's go," and the men who went in there with him came out without anything in their hands."<sup>113</sup> And Captain Peck of the Catahoula detachment, remarked, "Boys, let's don't have anything to do with that. We did not go there to kill unarmed negroes."<sup>114</sup>

The number of negroes killed in the battle was variously estimated at from sixty-four to four hundred, from sixty to seventy being the most likely estimate.<sup>115</sup> Privilege was given to the negroes to bury their dead but as only a few came to do this, most of the bodies were thrown into trenches, "buried as it were in the graves dug with their own hands."<sup>116</sup>

Marshall DeKlyne stated that he found negroes under a warehouse "shot down like dogs," but George Stafford, refuting this statement, said that a negro was seen crouching under the gallery of a warehouse, with a gun in his hand, and that he and several others hiding further back were shot.<sup>117</sup> The Republican official organ, and therefore partisan, in New Orleans, rather absurdly testified that fifty-nine dead bodies were found by the militia which "showed pistol-shot wounds, the great majority in the head and most of them in the back of the head. In addition to the fifty-nine dead bodies found, some charred remains<sup>118</sup> were discovered near the court house. Six dead bodies were

<sup>113</sup>Conversation of C. A. Duplissey with author, December 27, 1928.

<sup>114</sup>Conversation of A. L. Hopkins with author, December 2, 1928.

<sup>115</sup>Mr. Hopkins said Dr. Milton Dunn of Melrose Plantation estimated that about four hundred were killed; according to Mr. Jonas Rosenthal, four hundred; Judge Williams, about ninety; Colfax Chronicle, ninety-five; Marr, sixty-four; Hoar, fifty-nine; and to the majority testifying before the Congressional Committee, about sixty or seventy. Clearly an exaggeration is the statement of Mr. Duplissey to the effect that later in the summer, Major Smith, United States Army, remarked that "when he got there he found three hundred and seventy-two bodies that he had his soldiers put in their own trenches and cover up, and he said the negroes had been hauling off bodies all the week."

<sup>116</sup>Grant Parish Enterprise, September 6, 1928.

<sup>117</sup>43rd Congress, 2nd Session, No. 261, Part III, p. 850.

<sup>118</sup>After the negroes had fled from the burning court house, a colored man by the name of Brimm was sent into the court house to see if any more negroes were in there. Under the floor which had partly been torn up he found seven whom he told the whites would not harm if they came out, otherwise they would burn to death. Six of them came out, but the seventh said he would as soon face the flames as the fire of the white man's gun. His bones were found in the ashes afterwards.—43rd Congress, 2nd Session, No. 261, Part III, p. 412.

found under a warehouse, all shot in the head, but one or two were shot in the breast."<sup>119</sup>

The next day the steamboat Ozark, loaded with Metropolitan Police,<sup>120</sup> landed at Colfax, and a few days later the United States regulars arrived. As they had come too late to give assistance to the negroes, they pitched camp and began a several weeks' search for the white participants in the battle, so that they could be arrested and taken "before a hostile court for trial." They were especially anxious to take into custody C. C. Nash and Jim Bird, who were considered leaders of the riot. For a while Nash camped in the pasture of R. B. Williams, but "a pretended friend betrayed him and the Metropolitans hemmed him [in] at St. Andre Bluff, where Aloha Station now stands. He swam Red river on his horse amidst a patter of bullets. Reaching the opposite shore he waved his slouch hat in defiance to them and was off."<sup>121</sup> Bird was protected by friends in and around Atlanta, Winn Parish, Louisiana, where he lived. He often slept in the Masonic Lodge there, but fearing capture took refuge in the Sardis Church not far from Atlanta.<sup>122</sup>

Mr. Hopkins left for Texas, as did several others, where they remained several years.<sup>123</sup> Others sought refuge in the woods. "They never could catch me," said Mr. Tanner. "No, sir! These two Masons left the country \* \* \* and George Stafford took the remainder of his bunch down across Cocodrie \* \* \* where there was a good tree for every man in that camp."<sup>124</sup>

The United States troops did succeed in arresting William Cruikshank, John Pearce Hadnot, William Edwin, Clement C. Penn, Prudhomme Lemoine, Donas Lemoine, A. P. Gibbons, A. C. Lewis, and Thomas Hickman.<sup>125</sup>

<sup>119</sup>Ibid—p. 757.

<sup>120</sup>"These negroes they brought up from New Orleans were the biggest, blackest, most inhuman things we ever saw."—Conversation of A. L. Hopkins with author, December 2, 1928.

<sup>121</sup>Milton Dunn—Christopher Columbus Nash: A Tribute.

<sup>122</sup>One night during a terrific storm, Bird heard weird sounds and heavy breathing and, upon looking out from the pulpit which he used as a bed, he saw by the lightning flashes, what appeared to be a ghost. Terror-stricken, he fled for the door, screaming as he ran, and pursued by the ghastly creature. Into a newly dug grave Bird fell, and the old crazy woman, the cause of Bird's flight, on top of him.—Grant Parish Enterprise, September 20, 1928.

<sup>123</sup>Conversation of A. L. Hopkins with author, December 2, 1928.

<sup>124</sup>Conversation of W. Lod Tanner, with author, December 28, 1928.

<sup>125</sup>43rd Congress, 2nd Session, No. 261, Part III, p. 899.

## CHAPTER V.

### *Return to Home Rule.*

**T**HE reverberations of the Colfax riot were felt even in the White House, for on the 22nd of May, 1873, President Grant, whose sympathies were now with the radical reconstructionists, issued a proclamation, in part as follows:

"Whereas, it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time."<sup>126</sup>

Subsequent riots occurred in New Orleans, Coushatta and elsewhere; intimidation and bribery continued at the polls; extravagance and waste in the governmental departments sank Louisiana farther and farther into political degradation. The following year, after the Colfax riot, the White League voiced the sentiments of many a loyal Louisianian by declaring that:

"The white man's party is determined to rescue Louisiana from the polluting embraces of such a hybrid pack of lecherous pimps as Kellogg, Packard, Durell, Pinchback, Dibble, Casey, Debuclet, and their followers, who were conceived in sin, brought forth in pollution, nursed by filthy horbies, and dropped in Louisiana to show to the world to what depth of corruption, disgrace and infamy human nature can stoop, when the flesh is weak and the spirit willing."<sup>127</sup>

When Congress met in December, 1874, Grant, in his annual message, called attention to the unsettled condition of affairs in some of the Southern States:

"I regret to say that with preparations for the late election decided indications appeared in some localities in the Southern States of a determination, by acts of violence and intimidation, to deprive citizens of the freedom of the ballot because of their political opinions. Bands of men, masked and armed, made their appearance; White Leagues and other societies were formed; large quantities

<sup>126</sup>Richardson, Vol. VII, p. 224.

<sup>127</sup>43rd Congress, 2nd Session, No. 261, Part III, p. 283.

of arms and ammunition were imported and distributed to these organizations; military drills, with menacing demonstrations, were held, and with all these murders enough were committed to spread terror among those whose political action was to be suppressed, if possible, by these intolerant and criminal proceedings. In some places colored laborers were compelled to vote according to the wishes of their employers, under threats of discharge if they acted otherwise; and there are too many instances in which, when these threats were disregarded, they were remorselessly executed by those who made them. I understand that the fifteenth amendment to the Constitution was made to prevent this and a like state of things, and the act of May 31, 1870, with amendments, was passed to enforce its provisions, the object of both being to guarantee to all citizens the right to vote and to protect them in the free enjoyment of that right. Enjoined by the Constitution 'to take care that the laws be faithfully executed,' and convinced by undoubted evidence that violations of said act had been committed and that a widespread and flagrant disregard of it was contemplated, the proper officers were instructed to prosecute the offenders, and troops were stationed at convenient points to aid these officers, if necessary, in the performance of their official duties. Complaints are made of this interference by Federal authority; but if said amendment and act do not provide for such interference under the circumstances as above stated, then they are without meaning, force, or effect, and the whole scheme of colored enfranchisement is worse than mockery and little better than a crime. Possibly Congress may find it due to truth and justice to ascertain, by means of a committee, whether the alleged wrongs to colored citizens for political purposes are real or the reports thereof were manufactured for the occasion."<sup>128</sup>

Accordingly a Congressional Committee was created to learn whether the alleged wrongs from which the negroes suffered in Louisiana was actually "real or manufactured for the occasion." The committee was composed of the following Republicans: Walter Phelps, Charles Foster, George F. Hoar, W. A. Wheeler, William P. Frye. The Democratic representatives on the committee were Clarkson N. Potter and Samuel Marshall.<sup>129</sup> After completing the investigation, a majority of the committee, including Foster, Phelps, Potter and Marshall, submitted a report

<sup>128</sup>Richardson, Vol. VII, pp. 297, 298.

<sup>129</sup>43rd Congress, 2nd Session, No. 261, pp. 4 and 29.

stating, "that they cannot agree to the report made to the committee by Messrs. Hoar, Wheeler, and Frye,"<sup>130</sup> for "they find nothing to justify the belief that Kellogg was elected. That he seized the government by the aid of Federal troops, through a void and fraudulent order which prevented the counting and return of the votes, should be a standing presumption against him. \* \* \*

"For Congress to recognize usurpation so gross and so oppressive, is, they think, to establish a precedent by which, under pretexts that can readily be found, any State government may be overthrown, the will of the people nullified fraud and violence made permanent, and republican forums perverted to destroy liberty.

"In their judgment all that is needed in Louisiana is to withdraw the Federal troops and leave the people of that State to govern themselves.<sup>131</sup>

Courage and honesty of the highest order were requisite for the two Republicans, Phelps and Foster, to condemn the policy of their President and party, and it was quite unprecedented in the history of Reconstruction that a Congressional Committee, composed of representatives of opposing parties, should present a unanimous report on a partisan question and that unfavorable to the party in power. "Naturally the Republican press tried to minimize its effects by treating it lightly" but a profound impression was made on the North.<sup>132</sup>

The minority report elaborately described the acts of bloodshed and violence in the State of Louisiana, and the "political massacres and barbarities" committed against those whom they termed the defenseless Republicans, black and white. They summarized their opinion of conditions in Louisiana in the following manner:

"On the whole case we are of opinion—

"First. That there has been and is, on the part of the party calling themselves the white men's party, in Louisiana, a purpose to take possession by force and fraud of the State government, without regard to the question of who may have the numerical majority at a fair election.

"Second. That, in execution of this purpose, they have refrained, and will refrain, from the use of no in-

<sup>130</sup>*Ibid*—p. 1.

<sup>131</sup>43rd Congress, 2nd Session, pp. 3, 4.

<sup>132</sup>Lonn—Reconstruction in Louisiana, p. 323.

struments which they think designed to accomplish it, whether these instruments be murder, fraud, civil war, or coercion of laborers by employers. \* \* \*

" \* \* \* " Sixth. \* \* \* We believe Governor Kellogg to have received a majority of the votes in 1872, and \* \* \* we believe there was violence and fraud which frustrated the will of the people in many parishes in 1874. \* \* \*

"Seventh. There has been much dishonesty, much corruption, in State and local administration in Louisiana. For this the republicans, especially under Warmoth's rule, are largely responsible, although, in numerous instances, their opponents have been equally to blame.

"Eighth. The effect of all this has been to put an end to the authority of law, and in a large portion of Louisiana to deprive the negro of his freedom of suffrage. \* \* \*

"Ninth. A new election held at this time under national authority is not desirable. It is not wished for by either side, and would inflame and aggravate the evils now existing.

"Tenth. It is the duty of Congress to use such powers as are vested in it by the Constitution. It should recognize the lawful governor of Louisiana by express resolution. We think William Pitt Kellogg, the choice of a majority of the voters in Louisiana, and that he should be recognized accordingly. It should provide further safeguards for holding elections and ascertaining the result, if any can be devised." \* \* \*<sup>183</sup>

Although both the majority and minority reports dealt with the Colfax Riot in particular, as they did with several other phases, authenticity of the minority one especially can not be relied upon, as both reports express extreme, partisan viewpoints. After a tumultuous session, Congress disregarded the majority report and allowed Senator Hoar to press through both houses a resolution which recognized Kellogg as Governor of Louisiana.<sup>184</sup> "But the days of the carpet-baggers were numbered in the land upon whose misery they had thriven."<sup>185</sup> Although heated controversy arose in 1877 over the electoral votes cast in Louisiana and the returning board authorized by Grant threw out, on the ground of intimidation, the Democratic votes which were undoubtedly in the majority, yet that year witnessed the end of carpet-bag rule in Louisiana as well as in Florida and South Carolina, the places where it last existed, for on April 20, 1877,

<sup>183</sup>43rd Congress, 2nd Session, No. 261, pp. 27-29.

<sup>184</sup>Lonn—Reconstruction in Louisiana, p. 334.

<sup>185</sup>Phelps—Louisiana, p. 387.

President Hayes ordered the removal of the Federal troops from Louisiana.<sup>136</sup>

Growing more directly out of the Colfax trouble, and in its own way just as far-reaching as the military removal order of President Hayes, was the unanimous decision of the Supreme Court of the United States, handed down March 27, 1876, by Chief Justice Waite, in the case of the United States V. Cruikshank.<sup>137</sup> It will be recalled that just after Colfax's bloody celebration of Easter Sunday, 1873, the Louisiana State authorities had taken into custody nine of the white participants.<sup>138</sup> These nine were indicted upon two series of sixteen counts, each, the charges being in essence that the defendants had maliciously conspired to imprison and murder persons of color, thus preventing or hindering the latter's free exercise of rights and privileges granted or secured by the Constitution or laws of the United States. From the Federal Circuit Court, Louisiana District, the case was certified to the United States Supreme Court, whose decision proved epoch-making in the interpretation of the Fourteenth Amendment. There are two distinct, separate types of citizenship, said the Court, that of the States and that of the United States. It is not necessary in this case to define the rights appertaining to citizens of the United States, but certainly security against confinement and murder is not one of these rights. For such security the citizen must look not to the United States Government but to the government of that state in which he resides. "It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a state, than it would be to punish for false imprisonment or murder itself."<sup>139</sup> Punishable and cognizable only by the State of Louisiana are the offenses charged against these nine defendants, who must, therefore, be released from federal custody.

The Fourteenth Amendment, then, had added nothing to the rights of citizenship under the Constitution; all that it authorized the United States to do was to prevent the denial to citizens of a state of the protection of the laws of the state.<sup>140</sup> At a time when the Southern States were without protection save that of the United States Constitution, the highest court of the

<sup>136</sup>Demming—*Reconstruction Political and Economic, 1865-1877*, p. 338.

<sup>137</sup>23 Law Ed. 588; 92 U. S., 542.

<sup>138</sup>See ante p.

<sup>139</sup>23 Law Ed. 588; 92 U. S., 542.

<sup>140</sup>Carson, Hampton L.—*The History of the Supreme Court of the United States*, Vol. II, Philadelphia, P. W. Ziegler Co., 1904, p. 488.

nation upheld the sovereignty of the individual states and curbed the power of the central government.<sup>141</sup> As a result of the Civil War and the aftermath of Reconstruction, the legislative department had been elevated to a position of dominance in the governmental structure; the Supreme Court itself had been swept along by the gusts of passion called patriotism.<sup>142</sup> But now in the Cruikshank case that Court stemmed the tide of opposition, restored itself to its rightful role in our three-fold plan of government, and by declaring void the Enforcement Acts passed by Congress in 1870-71,<sup>143</sup> checked the over-weaning ambition of the legislature and at the same time restored to favor the old Democratic Doctrine of States'-Rights. The federal government was left practically powerless to protect the recently emancipated and enfranchised negro; if any protection at all were to be extended to it, such protection must come from the states.<sup>144</sup> This decision of America's, and indeed the world's, most august tribunal rejoiced the hearts of the Southern people, and although for another twelve-month federal bayonets were to reflect the rays of the Louisiana sun, the South realized that a new day was dawning, a day in which Southerners would solve Southern problems in their own way. Thus the riot of April, 1873, in the little town of Colfax, Louisiana—at the time seemingly only an extreme manifestation of that bitter feeling engendered by the woes of Reconstruction—served to carry the Southern question into the highest tribunal of the United States, to definitely limit the operation of the Fourteenth Amendment, and to place the South legally, as well as actually, well on the road to home rule.

## THE END

## BIBLIOGRAPHY

## I.

Fortunately, the author was able to converse or correspond with several persons who were directly or indirectly connected with the events described in this work. The first four of the

<sup>141</sup>H. H. White—Address before Bar Association, December 22, 1928.

<sup>142</sup>Demming—*Reconstruction Political and Economic*, pp. 89; 256-7.

<sup>143</sup>Demming, William Archibald—*Reconstruction Economic and Political*—New York; Harper Brothers, Publisher, 1907.—The Enforcement Acts provided heavy penalties for violating the rights secured by the Fourteenth Amendment and for infringing on the right to vote secured by the Fifteenth Amendments, pp. 184-186.

<sup>144</sup>Warren, Charles—*The Supreme Court in United States History*, Vol. III, 1856-1918, Boston—Little Brown and Co. 1923, pp. 325-328.

following gentlemen actually participated in the riot, while the fifth appeared upon the scene immediately thereafter:

- A. L. Hopkins, eighty-two years of age, Jena, Louisiana, December 2, 1928.  
Charles A. Duplissey, seventy-five years of age, Meridian, Louisiana, December 27, 1928.  
W. Lod Tanner, seventy-five years of age, Alexandria, Louisiana, December 28, 1928.  
Michael Smith, seventy-seven years of age, Leander, Louisiana, February 2, 1929.  
Jonas Rosenthal, eighty-six years of age, Alexandria, Louisiana, December 28, 1928.

Judge John A. Williams, Mr. A. M. Goodwyn, Mrs. O. A. LaSage, all of Colfax, Louisiana, and Mrs. George Marsh, of Alexandria, Louisiana, loaned the author manuscript and newspaper material that proved exceedingly useful.

## II.

### *Source Material.*

Reports of Committees—Conditions of the South—2nd Session, 43rd Congress, 1874-75. Washington, Government Printing Office, 1875.

Richardson, James D.—A Compilation of Messages and Papers of the Presidents, Vol. VII, 1789-1902. Bureau of National Literature and Art, 1903.

The Colfax Chronicle—Colfax, Grant Parish, Louisiana, Saturday, April 9, 1921.

United States Supreme Court Reports—Vols. 90-93. Cases Argued and Decided in the Supreme Court of the United States in the October Terms, 1874-75-76. Compiled by Stephen K. Williams, Book XXIII. The Lawyers Co-operative Publishing Co., Newark, Wayne County, New York, 1885.

## III.

### *Secondary Material.*

Carson, Hampton L.—The History of the Supreme Court of the United States, Vol. II, Philadelphia. P. W. Zeigler Co., 1904.

Demming, William Archibald.—Reconstruction Political and Economic, 1865-1877. The American Nation: A History

- Series, Vol 22. Edited by Albert Bushnell Hart, New York and London. Harper & Brothers, Publishers, 1907.
- Ficklen, John Rose.—History of Reconstruction in Louisiana, through 1868, Baltimore. The Johns Hopkins Press, 1910.
- Langley, Charles Ransdell.—Since the Civil War. New York, The Century Co., 1926.
- Lonn, Ella.—Reconstruction in Louisiana After 1868. G. P. Putnam's Sons, New York and London. The Knickerbocker Press, 1918.
- Newspapers—Alexandria Daily Town Talk, Alexandria, Louisiana, April 13, 1921. Grant Parish Enterprise—Weekly—August 2, 1928, September 30, 1928.
- Phelps, Albert.—Louisiana: A Record of Expansion. Boston and New York. Houghton, Mifflin Co., 1905.
- Rhodes, James Ford.—History of the United States. Vol. VII, 1872-1877. New York. The Macmillan Co., 1912.
- Warren, Charles.—The Supreme Court in United States History. Vol. III, 1856-1918. Boston. Little, Brown & Co., 1923.
- White, Horace Henry.—Address Before the Fifteenth Judicial District Bar Association, at Lafayette, Louisiana. December 22, 1928.



## SO IT WAS WHEN HER LIFE BEGAN

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*Reminiscences of a Louisiana Girlhood.*

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By LUCY PAXTON SCARBOROUGH  
Natchitoches, Louisiana.

**I**N NORTH LOUISIANA on a day in April, 1864, (the eighth, to be exact), reverberations like the roll of distant thunder fell upon the ears of a girl of six. She probably would have never noticed these far-away sounds, if they had not produced such consternation among the grown-ups about her. *The Yankees were coming!* That was what she gathered from the excited talk. Every time she heard the distant thunder she was terrified and expected the next minute a Yankee would appear and cut off her head with his long sword.

In those days her three great terrors were Yankees, runaway niggers, and booger-bears. A booger-bear was an animal as big as a cow with flames of fire issuing out of its nostrils. She knew it was like that because one often got after her in the dark hours of the night, when she had added to her allotted supper spare-ribs and back-bones in the kitchen, meanwhile listening to raw-head-and-bloody-bones stories. She never knew definitely where her image of the booger-bear came from, but in after years ascribed it to African origin, inasmuch as it, along with her other two terrors, were used by the colored maids to make her walk in the way she should go.

"Git in dat tub, er Ah'll let dat run'-way nigger git yer."

"Ef yer doan stan' still an' lemme coam yer haid, Ah's gwine ter call dat Yankee ter cut it off wid his big sword"— sounding the *w* in *sword*, which orthoepy to the child added more terror to the word.

"Ef yer doan shet yer eyes and go ter sleep, Ah's gwine ter throw yer outen dat winder ter de booger-bear."

One of the Girl's pleasantest recollections of slavery times is of the surreptitious meals she ate with a superannuated negress who lived in a cabin in her grandmother's back yard. She considered it a great adventure to slip across the street "unbeknownst" and partake of the old woman's "pot-licker" and "ash-cake." Even now when her appetite is capricious,

the venerable person into whom the Girl has evolved sometimes scandalizes her cook by insisting upon a bowl of "pot liquor," which, as is well known, is the water in which turnip-greens and fat bacon are cooked. Although she has never since eaten ash-cake, she has always meant some day to stir up a stiff pone of corn-bread with hot water and "shortening" and no leaven of any sort, pat it into shape with the imprint of the fingers upon it (this adds to its savor), roll it in a cabbage leaf, and roast it in ashes. Alas! she fears with the passing of the open fireplace and wood ashes, she will never realize her dream.

Another delightful reminiscence of these slave times is of the visits to her other grandmother who lived on a plantation. This grandmother's cook had a large family of girls. Naturally, the slave holders did not approve of race suicide among the negroes, and a prolific female was especially valued.

The plantation grandmother assigned to each grandchild one of the cook's daughters, whose duty it was to bathe, dress, amuse, and keep out of mischief her own little charge. The old grandmother could not vision a time without slaves and confidently expected each grandchild would some day inherit her own particular maid. These young "body-servants" were quite jealous of their prerogatives and resented another "waiting on" their own particular little "missus." In passing, it was the custom for the slaves to call the children of their "white fokes" "little mars" or "little missus." One of these "missuses," now a many-times grandmother, confesses that to this day her heart warms toward those of her servants (she is accustomed to black ones only) who address her as "Miss Lucy."

At meal times a maid stood behind the chair of each little charge and served her bountifully, for whatever was left on the plate fell to the lot of the attendant. Indeed, quite often a delectable bit was slipped to the servitor. If a child asked for a "helping" and the maid of another child served her, forthwith there was a skirmish over this transgression of personal rights. "Gramma," who was armed with a long, keen, hickory switch (provided primarily against hounds, cats, and chickens that fain would enter and eat of the crumbs that fell from the table) settled these outbursts with a sharp whack on the shins of the belligerents.

Screens were unheard of, and it was the office of a young negro to keep off the flies with a long, gorgeous brush of pea-

cock feathers. Sometimes she grew drowsy or so interested in a scrimmage or a conversation that she let the brush dip into the gravy bowl or the children's "syrup," and then she too came in for a slip from a hickory switch. This was all the corporal punishment the little Girl ever knew to be administered to the negroes on her grandfather's plantation. Without doubt there were hard masters and cruel overseers; but her grandfather seemed to entrust the oversight of his place to an intelligent and trustworthy negro. In the cool of the evening the old master would sit on the back porch, his home-made, hide-bottomed, hickory chair, tilted back against the wall, his knotty, home-made hickory walking-stick across his knees, and discuss the day's doings and the morrow's plans with the slave. Hat in hand, the negro stood on the ground near-by in an attitude of respectful attention. Since the delicate nostrils of those in the "big house" must not be assailed by the odor of cooking food, the kitchen was in the yard. There were no cook stoves, and the food was prepared in pots and skillets over the coals on the hearth. During the meal relays of little darkeys brought hot dishes from the kitchen. All the small "waiters" wore aprons of coarse white homespun. These garments seemed to be of the same size, so that while one child was bursting out of her apron, another was swallowed in her's.

The Girl's memory of these war times on the plantation is pleasantly embroidered with recollections of the merry games played with the other visiting cousins and the care-takers—those laughing, white-teethed, shiny-faced, singing, dancing, little blacks, so amenable to the wishes of their white companions. Their favorites were the venerable and sempiternal "Here we go 'round the mulberry tree," "King William was King James' son," "Goosey, goosey gander," "Poor puss wants a corner," "Lost my glove yesterday," "Clap in and clap out," "Blind man's buff"; a list too long to recite. "Hide and seek" was probably played more frequently than anything else, because without distinction of color the children were permitted to hide where they listed—in the big wardrobes, in the spooky closets, under the high beds with their counterpanes falling to the floor, and even behind Gramma's ample skirts that smelled of dried rose leaves and the sweet-smelling herbs she kept in her "press."

Entwined with these memories is the recollection of the fascinating activities that went on about the place; the carding of fluffy rolls that were piled in white-oak baskets and carefully safeguarded against cats, dogs and babies; the mournful wail of the spinning wheels; the swift whir of the reels twirling the thread into hanks; the putting into the loom a piece of cloth—an elaborate ceremony, involving much counting of threads and precluding the presence of children. This eviction in itself added mystery and attraction to this performance. There was also the entrancing process of dyeing the hanks of thread with indigo from the garden, poke-berries from the fence corners, red-oak bark from the woods, and cochineal and copperas from the "store." This work was attended with a gaudy picturesqueness and messiness that was especially attractive to the nature of a child. The Girl rather dreaded the roughness and "smelliness" of the new cloth and greatly hated the prickly feel of the "linsey-woolsey" which the children were condemned to wear during the winter. Sometimes the ladies tried to make homespun finer by carding into the rolls ravelings of old silks. They made hats of plaited shucks or of palmetto, and trimmed them with dyed flowers of the same material, and right pretty they were—the hats—and, yes, quite often the ladies. Shoes were made for children and ladies of the heavy homespun and the "smelly" hides that were tanned with certain barks in the "branch" where the children loved to wade. The mazdas of those war days were tallow dips moulded on the plantation. The tallow that was unfit for candles and other refuse fats and bones was stored in maloderous kegs in the "smoke-house" for soap making. A hopper of ashes dripped lye in the yard for the same purpose. When the big iron pot was "kicking-up" its molasses colored contents, the little visitors were warned by the manufacturer that this was the effort of little "debbles" to get out of the cauldron, and if a child went too near they would jump up and pull her in. Toilet soap was made in the kitchen by a more delicate process. Cakes of it smelling like sassafras were put out to harden and were likely to bear in their finished stage the imprint of punching little fingers. Sweet potatoes were cut up and parched as a substitute for coffeee. This concoction would not make little girls so black as would the genuine coffee; but, if one wished to remain quite white it were better to drink milk. Although there was no flour (or

at least just enough for weddings and such like great occasions), cakes were made of corn-meal sifted many times through a fine cloth. However there was a sufficiency of other good things to eat: chicken stew with meal dumplings, lye hominy made with hickory ashes by a complicated process, sweet potatoes with the syrup oozing out of their sticky sides, not to mention the fruits of the orchard and the vegetables of the garden. Always, too, there was the abounding cane syrup, and Louisiana, at least was not at a loss for ample sugar. These provided the wherewithal for many "candy-pullings," at which the meekest of the children were apt to get "stuck up."

Quite often in spite of the depressing effects of the war, the ladies had gay quilting parties, at which long arms were at a premium. These affairs ended with a merry battle between the married and unmarried workers in an effort to throw the new quilt upon some young woman, to whom it was supposed to bring a husband within a twelvemonth. This tradition was verified for the Girl when a cousin upon whom a quilt had fallen, was married shortly afterward to a grey-capped soldier. The Girl was privileged to attend not only the wedding, but the "infair"—the dinner the family of the groom gave the newly-weds the day after the wedding. The bride wore her "second-day dress" to this grand function. The soldiers seemed to the Girl to be always coming or going; bringing coveted letters from the front, and carrying back boxes of clothes and splendid eatables. Sometimes one delivered a message that put the pots of black dye boiling. Now and then one with an arm or a leg missing remained altogether. Once a soldier cousin gave the Girl's mother a black gutta-percha ring inlaid with a silver heart. He said he had made it out of an old comb and a bit of a silver dime while he was a prisoner of war. A treasured memento of the war is a batch of letters written to the Girl's mother by her father, a captain in the Confederate army. One of these dated two days after the battle of Shiloh, describes the battle from the Confederate point of view. He says, "Our troops fell back and slept in the camp of the enemy. \* \* \* The rascally blue-bellies were encased in steel armor that was almost impregnable to ordinary bullets \* \* \* I send by a friend a steel breast-plate worn by a Yankee soldier." With "shivery" feelings the Girl often gazed upon this lugubrious object, which had a protuberance the size of a hickory nut just where the wearer's heart must have been.

The Girl's remembrance of the styles in vogue during the war is very vague. She has a dim memory of her mother dressed for some state occasion in a stiff, large-figured silk with a tight waist, voluminous skirts, and a cape of the same material that came to a point at the waist before and behind. This cape and the flowing sleeves were edged with gay-flowered galloon. A large brooch, containing a likeness of her father held together a round collar of heavy swiss embroidery. There is a shadowy recollection of some lovely lace fichus and a black lace mantilla that were sometimes worn with other gowns. An old "ambrotype" (there was a distinction between an ambrotype and a daguerreotype—the latter were shadowy likenesses, ghostly images one might say—or was it the ambrotypes that were wraithlike?) of the Girl herself shows her in a blue Dutch frock (fashioned, she remembers from one of her mother's), red coral beads, a gold locket, and a pair of black lace mits. Till yet she can feel the glow of pride she felt in those mits. When she wore this costume and her brother put on his plaid kilt suit (a hand-me-down from an older cousin) it meant an occasion of importance. The picture amputates her lower limbs; but if they were visible, they would doubtless show pantalets, for a note of her mother's, still extant, requests the loan of a pattern for these garments. By the way, it seems in the beginning pantalets were made separate from their uppers; for there is a tradition in the Girl's family that a "Tom-boy" aunt, when her pantalets lost their buttons on the play ground, rectified the matter by sticking them back with her wad of "sweet-gum." The men's fashion of wearing beard was emphasized in the Girl's mind by the prickly feel of those, who despite her protests, insisted upon kissing her. She especially dreaded the demonstrations of one affectionate and heavily-bearded uncle. Incidentally, kissing as a salutation, especially among women, was a much indulged custom of the day. Of the therapeutics of the time she has a vivid recollection of the "cupping" of her mother in her last illness. She has always understood that her mother died of dysentery. The passing of the frail little creature after this heroic treatment was the Girls' first realization of death. She was told her mother had become an angel and had gone to Heaven to live, and she sat a desolate time watching the skies over the cemetery, trying to see the winged angel flying to her new home;

and hoping that, if she saw her little daughter all dressed up in the blue merino and black lace mits she would take her to the beautiful Heaven, too.

The reorganization of the home after the "surrender" was without doubt a severe ordeal to the Southern women, many of whom had never made a bed or swept a floor, and were suddenly deprived of all help. The change in her home made little impression upon the Girl of this reminiscence, probably because her grandmother, who had charge of the house at this time was a relic of pioneer Arkansas days, was a forceful character and equal to any emergency. The outstanding event in the Girl's mind, connected with these days was the slap her father gave the cook, their former slave, for "sass" to the grandmother. The "sass" must have been very provocative, for her father was the mildest of men and she had never known him to so much as reprimand a servant before. The cook switched out of the kitchen (with the dinner on the fire), vowing to report the matter to the Federal authorities. It had been talked in the kitchen that any white "pusson" who dared to mistreat the "cullud" would be strung up by the thumbs. Now, her father was a large and stalwart man and she felt this punishment would be very severe upon him and his thumbs, and she spent many anxious days dreading the execution of this threat. This penalty, like the mule and the forty acres which the negroes expected, was never realized. One of the Girl's aunts was in the habit of telling very often (a way old folks have) of how she, a middle-aged woman at the time, cried herself to sleep the first night she had to wash her own feet—a nightly ritual in those days when the Saturday night bath was probably no joke. In passing, the bath-room, as well as the kitchen, was generally relegated to the back yard in those slave times. The portable tin tubs were filled with water from the wells or cisterns and were heated by kettles of hot water from the kitchen. Every bed-room, however, had its stack of tin utensils (pitcher, slop-jar, and the aforementioned bath-tub) and upon its wash-stand was a gaudily pictorial bowl and pitcher. The poverty and struggle of those first years after the Civil War, when those who had been rich were almost without exception very poor ("land poor" most of them); when the plantations were adjusting themselves to irresponsible "free labor;" and when they were groaning under taxation that

was practically confiscation, was tragic. And yet, there seemed at all times plenty of corn for bread and "hominy," a sufficiency of the sticky sweet potatoes, and for the most part enough milk and butter and pork and gravy to make these go down well. Although the Girl had no store toys to amuse her she was very happy sculpturing clay figures down in the red gully that ran through the pasture, or landscape gardening in the sand pile with branches of flowering shrubs, or carpentering by making "play-houses" out of dry-goods boxes, or civil engineering by damming at the narrowest place the "branch" that flowed under the hill.

The first Christmas after the "Surrender" the little Girl's stocking (coarse, white, and home-knit) contained only "gentlemen and lady" tea-cakes and a stick of home-made candy. Inasmuch as flour was high and money scarce, as she knew quite well from the talk of the grown-ups, she was quite content, and considered herself fortunate to get even the cakes. Her grandmother, however, found her joy in these simple gifts pathetic, and this feeling expressed probably instigated the gift of before-the-war Paralee from a near-grown cousin. With some shaking Paralee could open her glass eyes; her face though slightly marked from having her wax complexion subjected to too much heat; still showed signs of former beauty; and the bonnet, which she had to wear to conceal her bald head, was a work of art. Another member of the family was also constrained to remember the Girl with a be-flowered box, sweet-smelling from the toilet soap it had once contained, and filled with the odds and ends of ribbons, silks and laces. Since these remnants were too small to contribute to Paralee's wardrobe, they led to the creation of the elegant Arabella. Arabella's anatomy consisted of a bit of tightly rolled white cloth, with a string tied about it. This appendage not only held together Arabella's torso, but also provided her with arms. Some one in the family inked her some features, which included a grinning mouth. A tiny bonnet shaped on the finger from a piece of ribbon obviated the necessity of hair. The dignified Paralee, who for organic reasons could not sit, spent most of her time upon the bureau, where she could be seen and admired; but the Girl spent many happy hours dressing up the merry Arabella in her gay bits of finery. It was the construction of Arabella's wardrobe that caused the Girl to consider the

fashions. She noted that the ladies were wearing gaudy, large-flowered "Dolly Varden polonaises" and were affecting the "Grecian bend" in their posture as they walked. The stiff Paralee refused to bend, but the pliant Arabella accepted it in its most ultra form. Paranthetically the cartoonists caricatured this fashion by representing the ladies as kangaroos. A long narrow ribbon tied around the neck and floating in long streamers down the back was called "follow-me-boys." Colored twine made excellent follow-me-boys for the fashionable Arabella. It was the summer following the war (she thinks) that the Girl became the proud possessor of a "calico" dress, the goods of which had been manufactured at a small cotton mill in North Louisiana—Arizona, it was called. Although the material was as sleazy as cheese-cloth, ran like a rabbit, as some one teased, and stained her chubby shoulders until they looked like dyed Easter eggs, she was very proud of the garment—for it was not homespun and it had not been made out of some one's old dress.

No matter how much the father worried those dark days over the thieving "scalawags" and "carpet-baggers," the lazy "free niggers," and the "hard times," or how tired the new mother was over unaccustomed tasks, the evenings were filled with music. The family sang in concert (and, perhaps, not always in concert on the children's part) the songs of the South—*Dixie, Bonnie Blue Flag, Suwanee River, Maryland, My Maryland*. The mother gave solos of *Lorena, There is Music in the Air, Rocked in the Cradle of the Deep*, and other popular melodies. Often she also played "variations" on *Home, Sweet Home* and *Mocking Bird* to the panting accompaniment of the father's flute. The music hour closed with a hymn, followed by family prayers, during which the Girl fell asleep to awake with the print of the new rag carpet upon her knees. Then the "trundle" bed was drawn out from under the four-poster, the mother took up her mending, and the Girl went to sleep to the sound of her father's voice reading his favorite poets, Shakespeare, Byron, Scott, or (oftenest) Burns—rolling the Scotch brogue like a sweet morsel under his tongue.

During those times of stress every child had an allotted task. The Girl's especial work was to dust the legs of the furniture. Incidentally, only to such inanimate things was it permitted to assign legs. There were other words that were taboo—*hell, lie, devil, fool*, and such expletives as *the dickens*,

*dog-gone-it*, and others. *Shucks* was inelegant, but a lady under great provocation might use it; but *hell*, (as an expletive) never under any circumstances.

By the time she was twelve the Girl's dresses began decorously to approach her shoe tops. By the way, her "every-day" shoes were of laced calf-skin with brass toes, and the "Sunday" ones were cloth gaiters. She was very proud of a blue pair that had been given her, but these, like other worth while things in life, had to be paid for in tears. It required her father's main strength to get them on, and was a very painful operation. After the gaiters were old and worn they slipped on easily enough, but by that time the broken rubbers took on the appearance of a "frizzly" chicken. At the period when the struggle to keep skirts at a proper length necessitated a constant letting out of hems and tucks, the most continuous admonition from her elders to the Girl was not to let her knees show, not to cross her limbs, not to stand with her arms akimbo—for all these things were "common," and common was a thing no lady could afford to be. One day when she was twelve years of age she was caught masquerading in her brother's trousers and was made to feel the awful immodesty of the act. In passing, modesty in women in those days was esteemed the greatest of all virtues and the most alluring of charms.

The Girl's most vivid impression of the spirit of the times was the intense prejudice—one might even say hatred—the Southerners felt towards the "carpet-baggers" and "scalawags." A carpet-bagger, as is well known, was an office-holder from the North and a scalawag was a Southern turn-coat. The Republicans of the South were generally spoken of as "Radicals." The families of the despised class were severely ostracized. One of the Girl's lasting memories was of being on the street-car (horse-drawn, of course) one day when a young woman whose father had gone over to the Radicals got on. The car was full of her life-long friends and even relatives, but she was no more recognized than if she had been an invisible presence. Sometimes a Republican Romeo wooed and won a Confederate Juliette, and then not death itself could have made Juliette's separation from family and friends more final. These were not the only disbarments of which the Girl became conscious. A divorced woman was looked at askance

by society and regarded with shame by her family. A divorced woman who married again, or a woman who married a divorced man, was entirely without the pale. The Girl, when she was very young passed the house of one such on her way to school. Upon a time she peeked through the palings expecting to see some sort of monstrosity and was surprised to find the criminal very like other women. In North Louisiana where the Girl spent her childhood, although every store of general merchandise (the owner of which might be a deacon or a steward in the church) dispensed liquor, the saloon-keeper and his family were socially taboo. While the struggle for white supremacy went on, incredible as it now seems, the Ku Klux Klan enjoyed the favor of the "solid South," which of course included Jews and Catholics.

During reconstruction days the Girl was running up like cotton that goes to weed and was attending a private school (there were no public ones). This school was taught by two young ladies of genteel poverty. Indeed, poverty was mostly of the genteel sort, and affluence was almost a badge of disonor, since few besides the carpet-bagger and the scalawag enjoyed prosperity. In this school pupils studied (as probably at most other schools) Webster's blue back speller, Davies' arithmetic, and Mc. Guffey's reader. Historical information came from Peter Parley, and geographical from an unremembered source. She recalls, however, that some pupils had an old edition in which it was Russian Territory, and a favored few a spick-and-span book in which it was mapped Alaska. School "took in" at eight o'clock in the morning and "let out" at four-thirty in the afternoon. A couplet in the Mc. Guffey's third (or was it the Fourth) read,

"Hear the children gayly shout,  
Half-past-four and school is out."

At the noon hour the children sat on the protruding roots of the large oaks that shaded the campus and ate sweet potatoes and fat buttermilk biscuit and washed them down with milk. With their chubby (and often dirty) fingers they punched cavities in the biscuit and filled them with syrup. They brought their lunches in tin buckets, and there was significance in the fact that most of the syrup and milk bottles had been quinine containers. Friday afternoons were given over to supposedly

original "compositions" by the girls and the delivery of "book speeches" by the boys. At this time the Girl spent most of her Saturdays in the garret of the old home in the company of Godey's and Peterson's "Ladies Books," to which her mother had subscribed before the war. She ate up their sentimental romances with avidity, and they seemed to act as a sort of anaesthetic, so that while she was under their influence she was altogether oblivious of her surroundings but straightway forgot what manner of stories they were. The only author's name she can recall is that of Sarah J. Hale; and strange to say, she remembers that because she did not like her "pieces" and "skipped" them. She finds it stranger still that she remembers (vaguely it is true) "Elsie Venner," which she found in the attic in the beginning numbers of the "Atlantic Monthly." Was it because the finer literature sticks more easily in the mind of even the illiterate? During one of her summer vacations a girl friend introduced her to Mrs. E. D. E. N. Southworth. Their reading-room was a mound under a bunch of sweet-gums in the red-gullied pasture, far enough from the home of each to serve the same purpose as a left-down telephone receiver does today. The initials of this author were to them an embodied truth, and they considered it paradise enow to chew the sweet-gum they had gathered from the abraded trunks of the overhanging trees and read the enchanted pages until the sunshine no longer flickered through the palmate leaves and twilight obscured the thrilling pages.

When Reconstruction reached its crisis, the Girl, now in her teens, was at a boarding school—one of the "female colleges" that abounded in those days—and much more concerned over the fate of Miss Augusta Evans' heroines in "Beulah" and "St. Elmo" (which were making the round of the school) than in her Southland. One afternoon, however, it was brought home to her that there was something wrong with the body politic. The school girls were on the lawn playing a game of croquet (the only athletics allowed girls except grace-hoops. *En passant*, how many know what the game of grace-hoops is?), when an armed body of negroes rode by the college. That night and several nights thereafter the school was patrolled by a company of white men. Nothing more serious happened than a few handkerchief flirtations from the college windows with the guards that were young and handsome. This was the Girl's

nearest approach to the disturbances that were then distracting Louisiana. And yet, because she had relatives in Coushatta, she heard a great deal of the "Coushatta Riot," one of the most notable in the state. Mrs. Mary E. Bryan, a writer well known throughout the South, made this "Riot" the theme of one of her serials in "The Sunny South" of Atlanta, Georgia. The trouble is said to have arisen from the efforts of the "radicals" to create a disturbance that would cause the U. S. troops to be sent to supervise the elections that were near at hand. On the 31st of August, 1874, the young men of the town and vicinity gave a grand ball, and this date was selected by the Radicals for the uprising. A body of armed negroes were secreted in the town. The citizens got wind of the matter, and supposing the negroes had not yet come to town, sent the ladies home from the ball, armed themselves, and proceeded to patrol all the roads that led into Coushatta. Two of these scouts were shot by two of the negroes—one was unhurt, but the other had both of his arms broken. After this the rioters marched out of town without doing further damage. The white citizens were, however, aroused, and sent out a call for help to all the neighboring towns. "By morning the town was full of angry men anxious to wreak vengeance on the negroes and their white leaders," wrote one of the citizens. The negroes were hunted down and killed wherever found. The white leaders threw themselves on the mercy of the citizens and promised if they were permitted to go to Shreveport they would leave the country and never return. An armed guard was provided and they left for Shreveport, but never reached there. Chambers, the historian of Louisiana, says some thought they were shot by the guards and others that they were killed by an armed band of Texans, coming to the aid of the Coushattans. The Girl of this reminiscence chanced to learn the truth of the matter when she visted her relatives one year after the tragedy. A cousin, a young man in his early twenties, carried her home to Shreveport by the same route over which the fateful ride had been made the year before. As they plodded along in a squeaky, high-topped buggy behind a slow, old, family horse, that glary, dusty summer day, the cousin told of the massacre. He said the "settled men" counseled "moderation," but "the boys" thought these men deserved death for having instigated the negroes to attempt to murder the young men, who were unarmed and unsuspecting.

trouble, and to capture and carry off to worse than death the young women they had brought to the ball. He told of the mad effort of the prisoners and their guards to outride the young men, who had selected the best and fleetest of their horses for this ride. He pointed out from place to place the gain of the pursuers and showed the spot where they were finally overtaken and killed. He told how each prisoner met his death; one defiantly, one asking for time to say his prayers, another begging mercy for the sake of his wife and children. He reviewed it all with a vivid intensity inspired probably by haunting recollection and remorse. The men deserved the death—but oh, the horror of being the instrument of destiny. The Girl shuddered at his morbid portrayal of the tragedy.

The young men of Louisiana were at this time expert horsemen and prided themselves on their mounts. Probably because they had been brought up on "Ivanhoe" their favorite diversion was the "tournament." In these contests horse and rider were caparisoned in medieval trappings. The contestants rode full tilt over the field, and took off rings suspended along the course. The rider who carried off the greatest number of rings was acclaimed king and had the privilege of crowning the queen. The other successful knights in their order selected the maids of honor. The affair ended with a grand ball, at which the Court Dance led off the festivities. One of the Girl's ever-to-be-remembered experiences was the great yellow fever epidemic of Shreveport in September, 1873. When the people of the city became aware that the plague had broken out in their midst they became panicky. The streets were blocked with the fleeing citizens in every conceivable conveyance from an ox cart to a cotton dray. Many unable to secure transportation walked to the surrounding forests where they endured all sorts of hardships. Every place was forthwith quarantined against them. The people left in the city were for the most part all stricken with the disease. The Girl's father, who after the "Surrender" had entered the ministry, was one of the few who elected to remain, and so it came about that it fell to her lot to go through the epidemic. The home was in the outskirts of the city upon a high hill. All the family except the father, who spent his time among the sick and dying, escaped the contagion. Their escape was attributed to the fact that the home was above the "miasmas" that bred the disease. They also thought that having no fear helped them

to be immune. They believed with Job that what one greatly feared would come upon one. The older members of the family were soothed and sustained by an unfaltering trust that God would take care of them. The Girl's fearlessness came about though a plunge into romantic literature that made her oblivious to her surroundings. Her father considered novels unwholesome for the undeveloped mind and discouraged that form of reading. During the idleness and isolation of the time she pounced with avidity upon a batch of paper-back novels the fleeing boys of the disbanded college (of which her father was the president) had left behind them. In these exciting volumes she lived and moved and had her being. She did not, however, become so engrossed in fiction as to be unaware of the romances and tragedies going on around her. Every day her father had heart-rending stories to tell of poverty, sickness, and death, or pleasing ones of sacrifice and devotion.

The common woe developed a beautiful spirit of fellowship and co-operation among the clergy of the different creeds. All the Protestant ministers survived the attacks of yellow-fever, but a number of Catholic priests were heroic victims. As fast as one died another from South Louisiana took his place. This difference in mortality was ascribed to the inhalation of the poisonous breaths of their dying parishioners as they bent over them to receive confessions. When the fever broke out a new building for the college was in course of construction and a young Frenchman was supervising the work. He roomed with the boys in the dormitory and was beside himself with fear when he was left alone in the deserted building. Before he could get out of town a message came from his fiancee, a young milliner, saying she was stricken and begging him to come to her. All night he walked the floor, fighting the battle between love and fear; but when the morning came he set his face resolutely toward the city. Although the yellow-fever killed the college, the Frenchman and the milliner survived, as was learned, when the "Times" announced their marriage. Another romantic incident was that of a young woman of the "old gentility" who had come to town that disastrous September to work in a store as a seamstress—something of an innovation, for women clerks had not then been introduced into Shreveport. During the epidemic one of the partners in the establishment (an eligible bachelor) bethought himself of his new employee, the pretty stranger, and set out

to investigate her circumstances. He found her all alone in the humble home she had rented for her mother and herself. The mother was dead in the bed beside her and she was raving in the delirium of the fever. He had her removed to better quarters, and as nurses were difficult to get, himself nursed her back to health. In due season the "Times" carried another marriage notice. The Howard Association of New Orleans sent up nurses, and various benevolent societies contributed lemons and champagne, which were considered very fine for the convalescents. The nurses seemed to be for the most part women and men (mostly men) who had had the fever and were willing to nurse the sick. Many were afraid to accept their services, for dire stories were told of robbery, neglect, and of smothering patients who waited too long for Charon's muffled oar. As far as the Girl knew there were no professional nurses in Louisiana at that time, if one excepted the sisters in the New Orleans hospitals and the practical midwives, who had "picked up" their training from the doctors under whom they nursed. Relatives and neighbors with a "gift for nursing" attended the desperate cases without money and without price. Those not seriously ill and confirmed invalids were waited upon by the negro servants of the family. These old women may not have been able to give scientific nursing, and very likely put their faith in the efficacy a buck-eye in the pocket or "yarb" teas, and believed it was "bad luck" for a patient to get out of the left side of the bed and that it would give a baby the colic to look in a mirror, but they were the most soothing, sympathetic attendants imaginable.

"Teck yer med'sin, honey. Taint er bit bad," hypnotizing a little patient into taking a nauseous dose. "Dere, dere! Dat's er sweet chile! Taint de med'sin, honey, whut tastes bad. Hits yer sick mouf, hits gwine ter meck well."

"Cose yer am sufferin', yer pore darlin', but yer aint ter call rale sick. Ah specs yer'll be wantin' ter dance at de ball nex' week," heartening a confirmed invalid.

"Ah, caint gim yer no wotter, sweet chile," the patient might be fifty. "Hit'll meck yer vomick. Lawzy me! Ah plum disremembered ter tell yer erbout dem Smith twinches (twins)," changing the subject with obvious design.

## ✓LOUISIANA POLITICS, 1845-1861

(Continued from April, 1930.)  
By JAMES KIMMINS GREER, B. A., M. A.

### CHAPTER XIII

#### THE GRAPPLE FOR POWER IN THE DEMOCRATIC PARTY IN LOUISIANA, 1859

THE year 1859 saw a death grapple between Slidell and Soulé for control of the State. Soulé openly avowed opposition to the Administration and attempted to organize a new party composed of opposition Democrats and Know Nothings. The Senatorial election aroused keen interest at the opening of the year; but all other political contests were subordinate to the fight for dominance in the ranks of the one remaining organized party of the State.

Judah P. Benjamin's senatorial term was nearing its end, and a short contest was in prospect over his seat. The *Bee* had once denounced Benjamin's desertion from the Whig ranks to the Democracy, but it now praised the Jewish Senator and his record in Congress.<sup>1</sup> The *Crescent* declared its intention of advocating the choice of the "proper man," regardless of geographical distinctions,<sup>2</sup> and predicted that Benjamin would be re-elected.<sup>3</sup> But the papers<sup>4</sup> of northern Louisiana became rather excited when it seemed that in the election of a Senator, geographical questions were to be ignored.

The Democrats had a majority of twenty-five members in the assembly upon joint ballot. They spent two days in caucus before settling upon their candidate. North Louisiana wanted Sandidge, Gray was popular in the central part of the State, while Benjamin's standing had undoubtedly been injured by garbled accounts of his connection with the Houmas land question.<sup>5</sup> While the dominant party was finding it difficult to decide who should have the honors, the Americans waited—hopeless in their minority. On the first day, forty ballots were cast in the

<sup>1</sup>*Bee*, quoted in *The Weekly Delta*, January 1, 1859.

<sup>2</sup>*Crescent*, quoted in *Weekly Delta*, January 8, 1859.

<sup>3</sup>*Ibid.*, January 15, 1859.

<sup>4</sup>*Ouachita Registrar*, January 6, 1859, quoted in *Weekly Delta*, January 15, 1859.

<sup>5</sup>Butler, *Judah P. Benjamin*, 170. This subject is discussed later.

Democratic caucus, and no decision reached. On the forty-second ballot, the vote stood: Benjamin 25; Sandidge 23; Gray 19; and Parham 1. There were seventy members in the caucus the afternoon of the second day, and Sandidge received thirty-five votes. Evidently some of the Benjamin men had cast votes for Sandidge, in order to get his supporters off their guard, or else were trading with them. Gray's friends called for an adjournment,<sup>6</sup> and a recess until 6 o'clock was taken.

Gray's supporters were evidently deceived by the scheme of Benjamin's friends, for they charged that a conspiracy existed to ignore Gray's claims. The friends of Gray contended that they had been excluded from some conferences held between the Benjamin and Sandidge supporters, and refused to go back into caucus.<sup>7</sup> When the caucus re-assembled at 6 o'clock, only two of Gray's friends were present; Benjamin received twenty-six votes, and Sandidge twenty-three. When the house re-assembled it was announced that Benjamin was the nominee of the caucus. In the joint assembly, Benjamin and Gray were nominated. Benjamin received fifty-seven votes; Gray fifty, and Randall Hunt five. The contest was pronounced by the correspondent of the conservative *Picayune* as the "most excited contest ever held in Louisiana."<sup>8</sup> Benjamin received the Sandidge votes, of course, and those that had been given to Parham, while the Americans generally threw their votes to Gray.<sup>9</sup> Among the press which congratulated the people on the results of the election was the *Delta*, now favorable towards Benjamin, which thought that the victor would be vigilant of the wants of the commercial class, without overlooking "the great agricultural interests of the country."

The legislation of the session was almost entirely of a private nature, but some few matters of general interest were dealt with. Renewed agitation for the removal of the seat of Government to New Orleans was silenced after the City Council of that city failed to provide buildings for the Legislature. Although an offer was made to share the rooms of the new Courthouse, which was under construction, at "fair and equitable terms," the Legislature had no desire for the status of a "tenant at will" and the discussion ceased.<sup>10</sup>

<sup>6</sup>*Daily Picayune*, January 25, 1859.

<sup>7</sup>*Ibid.*

<sup>8</sup>See also the account in Pierce Butler, *Judah P. Benjamin*, 170-172.

<sup>9</sup>*Weekly Delta*, January 29, 1859.

<sup>10</sup>*Ibid.*, March 26, 1859.

Much pressure was brought to bear on the Assembly to restore the powers of nominating Judges to the Executive and to extend the term of office, with a salary commensurate with the dignity of the position.<sup>11</sup> Many had opposed the Elective Judiciary system from the beginning, and it was now denounced in the Assembly as a failure, but no legislation was enacted concerning it.

The African Apprentice Bill which had been killed in the Senate of the last session was again introduced in the House. At the previous session, the House had passed this measure, but now laid it upon the table by a vote of 37 ayes to 14 noes. This action, in the face of their previous record, was cited as proof that the people of Louisiana were true to the laws of their country.<sup>12</sup> There was gerrymandering by the Legislature in the interest of the majority party, and to the disgust of those who were out of power.<sup>13</sup> The New Orleans politicians and press became excited when the census reports from the Secretary of State's office showed a decrease in the population of the city, since 1853, from 153,000 to 117,000, and loudly declared this was evidence of a deliberate attempt to reduce the number of Representatives from New Orleans from twenty-two to seventeen.<sup>14</sup>

Meanwhile, the time approached for the holding of the municipal election in New Orleans. The opponents of the Know-Nothing city administration were divided over the question again. But the *Courier* favored a regular Democratic ticket,<sup>15</sup> while the advocates of Independent nominations argued that this would divide and weaken the opposition to the city administration. In the end, the Democrats agreed to forego a regular ticket and united with their allies upon an "Independent Citizen's Ticket."<sup>16</sup> Nevertheless, their efforts were in vain, for street paving, tax collection, and other matters of the city business were left in the hands of the American candidates by a decided majority in the election.<sup>17</sup>

<sup>11</sup>*Weekly Gazette*, October 8, 1858; *Weekly Picayune*, October 15, 1858; *Daily Picayune*, February 6, 1859.

<sup>12</sup>*New Orleans Bulletin*, March 13, 1859, quoted in *The Weekly Advocate*.

<sup>13</sup>*Daily Picayune*, February 20, 1859.

<sup>14</sup>*Ibid.*, January 26, 27, 1859.

Under the census of 1853, New Orleans had one fourth of the total number of Representatives in the House, while the number of her Senators was fixed at five by the Constitution.

<sup>15</sup>Quoted in *Weekly Delta*, April 30, 1859.

<sup>16</sup>*Weekly Delta*, May 7, 1859.

<sup>17</sup>*Daily Picayune*, June 7, 1859.

The voting was light; interest seemed to be lacking; and the election was quiet, generally, except in the First District. Here Independent tickets were destroyed at several polls and several fights occurred. J. L. Lewis, Superintendent of Elections, had a difficulty with one of the ticket destroyers, on Common Street, and was arrested for his participation in the affair.<sup>18</sup>

Interest in municipal politics was submerged by the general election campaigns. Dissension in the ranks of the Democrats had existed for some time, but early in 1859, purely personal issues gained ascendancy in the party.<sup>19</sup> Early in the year North Louisiana offered a candidate for governor when the *Attakapas Register*<sup>20</sup> and the *Franklin* (St. Mary) *Register*<sup>21</sup> nominated Thomas O. Moore, of Rapides parish, "a disciple of the old Jackson school of Democracy,"<sup>22</sup> subject to the action of the Democratic Convention. A strong feeling existed in that section that its interests had always been slighted in the selection of the more important officers and that it should now furnish the governor.

In the latter part of March, a correspondent of the *Weekly Advocate* headed a proposed Democratic State ticket with Moore for Governor, whereupon the Know Nothing press of the same section<sup>23</sup> reiterated its statement that "King John" (Slidell) had planned the whole thing. Although Slidell's friends declared his "innocence" of the ticket and "ignorance of the author" of it, it is interesting to notice that the discontented Soulé Democrats made a similar charge through their organ, the *Daily True Delta*.<sup>24</sup> The disgruntled opposition claimed "that "Houmas Slidell"<sup>25</sup> would not allow the people to take care of their own

<sup>18</sup>*Daily Picayune*, June 7, 8, 1858.

<sup>19</sup>*Weekly Advocate*, February 13, 1859.

<sup>20</sup>Quoted in *Weekly Advocate*, February 13, 1859.

<sup>21</sup>Quoted in *Weekly Delta*, February 12, 1859.

<sup>22</sup>*Attakapas Register*.

<sup>23</sup>*Weekly Gazette* and *Comet*, February 6, 1859; *Weekly Advocate*, March 27, 1859.

<sup>24</sup>April 5.

"He came poste haste from Washington before the adjournment of the Legislature to open house at the Capitol and ply those arts none knew so well how to practice to make party subservient to his purposes; . . . During his stay there the State ticket which, the people of Louisiana were to be allowed to elect in November next, was formed by him."

It is probable that Slidell tendered the governorship to North Louisiana in exchange for votes for Benjamin as United States Senator.

<sup>25</sup>So-called from his participation in the Houmas land episode.

Highlights on the "houmas fraud," as Slidell's enemies termed it, were briefly: The Houmas land lay on the east side of the Mississippi, fifty miles above New Orleans, and contained several hundred thousand acres. A land claim to this tract was not approved by the Government, at first, but a patent was later given, and settlers on the land were to be required to test their titles before the Courts. The Court of Louisiana pronounced the patent void. Meantime Slidell bought a large share

affairs.<sup>26</sup> At the same time, North Louisiana was urged to stand forth in defense of its rights in the State Convention and help rid the State of "cliques" of "Spurious Democrats."<sup>27</sup>

A call signed by one hundred and three names for a meeting at Odd Fellows' Hall, on April 4, to organize the Democratic party of Orleans parish, and to prepare for the selection of Baton Rouge delegates, was published in the papers of New Orleans.<sup>28</sup> In these papers, there appeared a call of a meeting by the Democratic Central Committee for the same object. Evidently the first group was composed of combinations, including the Know Nothings, to form opposition to the Slidell forces.<sup>29</sup> The *Delta* pointed out that the "one hundred and three" could not establish a principle by which they were authorized to take direction of party affairs out of the hands of the State Committee. If they meant division, they would probably achieve that.

No one had to hazard a guess that the "New-Liners"<sup>30</sup> and "Rip Sam"<sup>31</sup> were planning on the organization of a new party. That fact was established early in the spring by an address of Pierre Soulé. One paragraph of the address was:

In Louisiana, as I conceive, we have to fight but against a single enemy: official interference and corrup-

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of the land and now sued for his purchase money. He lost the suit. But Benjamin, Senator from Louisiana, got an amendment attached to a bill confirming land locations in Missouri, which confirmed the location of the "Houmas Claim." This legislation won money for Slidell, and dispossessed about five hundred settlers on the land. The settlers protested against the Missouri bill, and the Committee on Private Land Claims, despite the fact that Benjamin was chairman of the Committee, suspended all action.—*Daily True Delta*, March 15, 1859.

But the rabidness of his accusers, Benjamin's reelection to the Senate the following January, and Slidell's private career, weigh heavily against the cries of fraud from his political enemies. Butler's *Judah P. Benjamin*, and Sears, *John Slidell* offer a fair insight as to the probable facts in the case. Slidell's explanation of his acquisition of the land may be found in Sears, *John Slidell*, 165-166. These accounts are not fair to Slidell, but are given to show the venom of the opposition.

<sup>26</sup>*Daily True Delta*, April 3, 5, 1859.

<sup>27</sup>*Ibid.*, April 3, 1859.

<sup>28</sup>*Daily Picayune*, April 2, 1859; also, *Delta*, etc.

<sup>29</sup>*Weekly Delta*, April 9, 1859.

The *Delta* was no longer supporting the opposition. Since early in 1856, the *Delta* had opposed the political methods of the Know Nothings. Now Soulé was attempting an alliance with this group to strengthen what he hoped would prove more than mere opposition—a new party. Business interests of New Orleans had suffered for some four years from the nature of the political activities directed against the Democrats. The *True Delta*, on the other hand, was upholding the banner of the Opposition, and supporting Miles Taylor, who had endeavored because of political animus to prevent Slidell's securing valuable Congressional appropriations for the commercial good of the State. Such a combination of conditions evidently caused the *Delta* to pause and "take stock."

<sup>30</sup>Discontented Democrats opposed to the "Old Line Democrats."

<sup>31</sup>Know Nothings.

tion. Partyisms are entombed in the history of the past. The American party, the Whig party exist no more as national or even State parties, though we may, at times, still see their shadows fit around our municipal halls and elective precincts. Their scattered fragments are in process of assimilation with the two factions into which the Democratic party is divided. We seek the alliance of none. But while our opponents, the federalists of the Democracy, strive to allure into their embrace, and openly curry favor with the most fanatic and unrelenting among those that were most ardent in their hostility to us, we can not but open our arms to such a desire, under the promptings of the loftiest impulses, to join our standard, and are willing to stand by our side, and combat with us, in the cause of popular rights and popular independence.<sup>32</sup>

The leaders of the "New Liners" were Soulé, Clack, Maunsel White, and Dr. Choppin. The "New Liners" and the "Samuelites" had largely formed the list of signers to the public letter which had invited Douglas to New Orleans the previous December. Pierre Soulé, late "New Liner," and Christian Roselius, ancient Whig, were seen arm-in-arm on that occasion.<sup>33</sup> Thus, the followers of Sam were not regarded as ineligible material in the ranks of the proposed new organization, but were expected to take a prominent part.<sup>34</sup>

The meeting at Odd Fellows' Hall was held on April 4, and Clack, Soulé, and DeBow<sup>35</sup> spoke. One newspaper correspondent at the meeting, rather humorously reported that one set of "miscreants," led by John Slidell, had control of "Federal patronage," "which another set of miscreants belonging to Peter Soulé," . . . "are anxious to get possession of."<sup>36</sup> It was the opinion of this correspondent that the "slaves," as "Soulé and the *True Delta* call them," would not exchange their present master (Slidell) "for a new one" (Soulé).<sup>37</sup> The National Democrats published notices requesting Democrats not to violate the usages of the party by attending a meeting not called by the proper authority.<sup>38</sup>

<sup>32</sup>*Weekly Delta*, April 9, 1859.

<sup>33</sup>*Ibid.*

<sup>34</sup>*Ibid.*

<sup>35</sup>R. R. Russell, in *Economic Aspects of Southern Sectionalism, 1840-1861*, criticizes DeBow as a thinker, and states, on page 140 of this work, that DeBow was an "Avowed disunionist" by August, 1857.

<sup>36</sup>*Weekly Advocate*, April 10, 1859.

<sup>37</sup>*Ibid.*

<sup>38</sup>*Weekly Delta*, April 9, 1859.

The "New Liners" meeting at Odd Fellows' Hall passed resolutions condemning: forming of a ticket before the State Convention met; "dictators," "clans," and "cliques" in a republican community, etc. They also adopted a resolution which provided for the appointment of a committee of twenty-four to be called "The Democratic Executive Committee for the Parish of Orleans." Its duty was to give notices for the assembling of primary meetings which were to elect delegates to parish, district, and state conventions, and to direct the organization of the party within the parish.<sup>39</sup>

The first indication of activity on the part of the new organization was in the form of ten thousand copies of a card, on which appeared . . . "For Governor, Maj. Andrew S. Herron." Herron denied knowledge of the matter and declared he would only run for office as a nominee selected by a regular Democratic Convention.<sup>40</sup> Meanwhile, the New Liners had called primary meetings in the several wards of the parish of Orleans. Also, coalitions were being formed elsewhere between the "Purifiers" and the Know Nothings. Such an organization was formally consummated at Plaquemines on April 22.<sup>41</sup>

During this time, the friends of Slidell denied that Federal or State "Spoils" had contributed to or obstructed his progress. His success and strength, they asserted, lay in his always having been true to his party and loyal to his friends. Now that he was unshakable within the ranks, his enemies were trying to reach him by shaking the party itself to pieces.<sup>42</sup> Some Democrats said that the *True Delta's* abuse had won him the friendship of men who were prejudiced against him.<sup>43</sup>

The "Old Liners" now raised the question how the new "true Democrats" of the City could avow the doctrine of Squatter Sovereignty and proclaim it as a part of the Democratic creed; and observed that should the State Convention decide to admit delegates from the Odd Fellows' Hall group, it would be indorsing Squatter Sovereignty and assuming a position opposite to that of the States Rights men throughout the South. On the other hand, if the Convention decided to take the true Southern Rights view, it would have to exclude the Odd Fellows' Hall delegation.<sup>44</sup>

<sup>39</sup> *Weekly Delta*, April 9, 1859.

<sup>40</sup> *Ibid.*, April 23, 1859.

<sup>41</sup> *Ibid.*, April 30, 1859.

<sup>42</sup> *Weekly Advocate*, May 1, 1859.

<sup>43</sup> *Ibid.*, May 8, 1859.

<sup>44</sup> *Weekly Delta*, May 7, 1859.

Furthermore, it was shown that not only was Soulé a follower of Douglas in previous years, but that he was the main spirit in Odd Fellows' Hall, where a resolution was passed asserting the right "of the public to regulate their domestic affairs, and shape their institutions in their own way."<sup>45</sup>

Slidell's supporters considered themselves authorized to state that Slidell was opposed to the "newly invented theory of Squatter Sovereignty," and conceded that Soulé represented that platform, while "orthodox principles of States Rights" were represented in Slidell.<sup>46</sup> "National" Democrats interpreted the visit of Douglas of the past winter as a bid for the electoral votes of Louisiana, but a failure, for Douglas could never look to or expect support from "the Democracy of Louisiana."<sup>47</sup>

In the meantime, the State Central Committee of the Democratic party designated May 16th as a proper time for the primary meetings in New Orleans. A large attendance was present and a fuller vote was cast than in the past four years. In some of the precincts of New Orleans, New Liners made opposition, but they carried only one—the ninth—by a vote of 73 to 70. There were 23 precincts and Algiers in the New Orleans primaries.<sup>48</sup>

Just before the adjournment of the Legislature on March 18, its Democratic members suggested that the State Convention be called the 25th of May. On March 25, the acting President of the Central Committee issued a call for a meeting of its members on April 2.

The Democratic State Convention met in Baton Rouge on May 25th. The attendance was large. Many late Americans and Old Whigs, who had gone over to the Democrats and had been elected delegates in the May primaries, were observed in attendance and were accepted as good Democrats, besides the regular Democrats and the old sachems of the party. Both Old and New Liners made nominations for chairman of the Convention, Pugh and Munday, respectively. Lieutenant-Governor Mou-

<sup>45</sup> *Weekly Delta*, May 14, 1859.

The conservative business men of New Orleans—largely Whigs—regarded "popular sovereignty" as a barren issue. Without labor or citizens from its section to people the territories, there was little use in protecting slavery in the territories. This was the view of the men who boomed the Bell-Everett ticket in 1860, and who now formed the remnant of the old Whig party. See the *Crescent*, September 22, 1859.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Weekly Advocate*, February 10, 1859.

<sup>48</sup> *Ibid.*, May 22, 1859, quoting the *Delta*.

Algiers is opposite the Canal Street Docks, across the river.

ton suggested that both men should occupy the chair and appoint four members each as a Committee on Credentials and then toss "heads or tails" for the ninth member.<sup>49</sup> This was done; two secretaries were then selected. The Committee on Credentials finally reported the result of the vote to be: Pugh, 93; Munday, 90. The Old Liners had won, though the late Americans and late old Whigs had strengthened the "New Liners."

The "New Liners" were discouraged by their defeat in the organization of the Convention. Additional cause for worry came from the fact that Major Herron, who was their favorite for Governor, was dissatisfied with their platform. A caucus was called, whereat Soulé demanded that Herron endorse the preamble and resolutions of the Odd Fellows' Hall meeting. But others of the meeting thought these resolutions had done much harm and had injured Herron's chances. This show of disloyalty caused Soulé to become very indignant, and he withdrew from the meeting and soon returned to New Orleans. Herron and some of his friends decided, apparently, to transfer their support to another candidate,<sup>50</sup> since they did not also return to New Orleans.

Thomas O. Moore, of Rapides parish, was nominated for Governor by the regular Democrats. Other members of the ticket were: for Lieutenant-Governor, H. H. Hyams, of New Orleans; Secretary of State, P. D. Hardy, of St. Landry parish; Auditor of Public Accounts, E. W. Robertson, of the parish of Iberville; Treasurer, B. L. Dufreese, of Jackson parish; Superintendent of Public Instruction, H. A. Avery, of East Baton Rouge parish; Attorney General, Thos. J. Semmes, of New Orleans.<sup>51</sup>

The "new party" Democrats now wanted to know whether the "Slidellian mercenaries" or the northern Democracy were the true exponents of Democratic opinion.<sup>52</sup> Anti-Democrats in Moore's section declared the idea of making him Governor was ridiculous, although he was a good plantation manager and a

<sup>49</sup>*Daily Picayune*, May 27, 1859; *Weekly Delta*, May 28, 1859.

<sup>50</sup>*Weekly Delta*, May 28, 1859.

Slidell and Soulé's rival interests in 1856 may be said to have really begun the split in the party which affected it thereafter. Rural parish conventions at this time the spring of 1859, had no sympathy for Soulé, but neither were they over-loyal to Slidell. There were many who wanted the next Senator to be from the country; they were called the "Bob Tails," while Slidell's supporters were termed by some the "Long Tails." Slidell had won out, in the election of Benjamin, but a wider margin would have been more comfortable.

<sup>51</sup>*Daily Picayune*, May 28, 1859.

<sup>52</sup>*True Delta*, June 4, 1859.

good citizen.<sup>53</sup> But when a paper of a neighboring state<sup>54</sup> described Soulé's reverse as a rout of "horse, foot, and dragoons," the *Weekly Advocate*<sup>55</sup> denied that there had been a trial of strength between Slidell and Soulé, as Soulé "had scarcely a body guard of supporters in the Convention."<sup>56</sup>

Know Nothing papers now began to try to create strife between the Creoles and the Democracy, by insisting that the Creole population had been insulted when they had not been given a place on the State ticket. The Democrats replied that the majority of the "Ancient Regime" in the State were Democrats, and that they could have had a Creole on the ticket if they had desired. The Democrats showed that old prejudice against North Louisiana on the part of the Creole, was being stirred by the "Samuelites."<sup>57</sup> They also had much to say about the lack of good faith on the part of their opponents. For example, Miles Taylor was elected candidate for Congress from the Second District by the New Liners, and the Old Liners accepted the nomination despite their disgust at having the New Orleans delegation excluded from the Convention.<sup>58</sup> But in the First Congressional District, the New Liners, although in the minority, would not live up to creeds of the Democracy, although they claimed to be loyal, but maintained an independent organization. The same thing was true of Bernard parish.

Despite the lack of an able chief to direct them, the disorganized Know Nothings struck at Slidell by appeals and denunciations of one sort or another. Douglas was compared with Buchanan to the disparagement of the latter,<sup>59</sup> pleas were made to the people to rise against "Slidell and his legions,"<sup>60</sup> and country parishes, with Know Nothings or opposition Democrats in the majority (there were only a few of these parishes), of North Louisiana were exacting pledges from their legislators-elect to support a country Democrat to succeed Slidell in the United

<sup>53</sup>The *American*, Alexandria, Louisiana, quoted in the *Weekly Delta*, June 18, 1859.

<sup>54</sup>*Charleston Mercury*, Charleston, S. C., quoted in *Weekly Delta*, June 18.

<sup>55</sup>June 19, 1859. National Democratic in politics.

<sup>56</sup>The large vote for Munday meant opposition to Slidell, but that opposition was not a personal following of Soulé.

<sup>57</sup>*Weekly Advocate*, July 3, 1859.

<sup>58</sup>*Weekly Delta*, July 23, 1859.

<sup>59</sup>*Weekly Crescent*, June 27, 1859.

<sup>60</sup>*Bee*, quoted in *Weekly Advocate*, July 31, 1859. The *Bee* was now a "conservatively Douglas" journal.

States Senate.<sup>61</sup> In New Orleans, the aims of "Sam" were now largely confined to getting office.

The contest in the American clubs for the nomination for Congress from the First district was a close one. The contestants were C. D. Dreux, J. E. Bouligny, and Judge T. G. Hunt. The last named was a politician of the old Whig school. But the American party had reached the point where it cared little for the chiefs of that party who grasped its skirts. The contest narrowed to Dreux and Bouligny, and the latter won the nomination by two votes.<sup>62</sup>

As we have seen, differences in motives and objects existing in the "Purifiers" organization had been manifest since its beginning. At the State Convention of the Democrats in Baton Rouge, the disagreement between Herron and Soulé brought the differences to a direct issue. Soulé, leader of the extreme branch of the Purifiers, had left the Convention, and Herron and the "moderates" remained. Later, the New Liners reassembled in New Orleans and the issue was again made. Soulé now proposed to organize a separate party and run a ticket against that named at Baton Rouge. At once, communication was opened with prominent citizens in the country in regard to using their names on a ticket, but the advances received slight attention. The "moderates" opposed this move.

Soon the "moderates" were "brought to taw" by the suggestion from the "extremists" that the division between Old and New Liners be increased by changing the name of the "States Rights Club" to "Douglas Club." Then the opponents of the extremists' policy and those who opposed the change of name divided; the majority decided to sustain the extremists, while the minority left the scene of their deliberations, grumbling that one political leader might be as dictatorial and domineering as another.<sup>63</sup> The minority resolved to abandon party leadership and one-man power.

In general, the American element of New Liners had allowed the discontented Democrats of the organization, as the leading spirits in the revolt, to take the lead. But those who had borne the brunt of leadership—chiefly Democrats—did not pass up an opportunity to put their allies on record, and at the same time

<sup>61</sup>*The Harrisonburg (Catahoula) Independent*, quoted in *Daily Picayune*, August 13, 1859.

<sup>62</sup>*Weekly Delta*, August 20, 1859.

<sup>63</sup>*Ibid.*, August 27, 1859.

cement stronger the bonds of the common cause. A meeting which was characterized as an "Opposition Meeting" was advertised to be held at Lyceum Hall. There were only about a hundred and fifty at the assemblage, and the "Democratic" element was strangely absent. The chair made inquiries for prominent New Liners, whose presence had evidently been expected.<sup>64</sup> Resolutions were adopted which called for a General Convention in New Orleans in September for the purpose of selecting an Opposition ticket for State officers. The coalition between the Know Nothings and the Purifiers was now perfected. It was composed, however, of the dissatisfied of both parties, who harmonized on opposition, although their hostility was directed toward different individuals.<sup>65</sup>

Appearances in early September indicated that the Democratic State ticket would meet no serious opposition in November,<sup>66</sup> but "Sam" seemed destined to carry Orleans parish. For the past five years, Democratic organization had been unable to stand against the violent methods of the Know Nothings on election day. The same machinery which had defeated the Whigs did not function in the contests against this later opposition. Some 4,000 votes had ruled the parish and the Democratic party, although there were 13,000 registered voters. One explanation offered for this fact was that a party founded on great principles of National policy had no common ground on which to oppose a party that had become local in its aims and in its character.<sup>67</sup>

On the second Monday in September, the Opposition held its State Convention in New Orleans. In a previous meeting, a committee had been appointed to select delegates to the Convention at which Opposition candidates for the State offices were to be nominated. When assembled, the Convention included fifteen delegates—all Know Nothings. The interests of the city were guarded by having the majority of the delegates present from its confines. Four country parishes: Jefferson, Livingston, East Baton Rouge, and Rapides, were represented by a total of six delegates, one of whom was a proxy. "The other forty-four parishes of the State were not present in body, but were pre-

<sup>64</sup>*Weekly Delta*, August 27, 1859.

<sup>65</sup>*Weekly Advocate*, August 28, 1859. Undoubtedly true, as shown already, though from a hostile source.

<sup>66</sup>*Bee*, September 14, 1859.

<sup>67</sup>*Weekly Delta*, September 10, 1859.

sumed to be in spirit."<sup>68</sup> An opposition ticket was named by acclamation, as follows:

For Governor, Thomas J. Wells, of Rapides.  
 For Lieutenant-Governor, John Ray, of Ouachita.  
 For Auditor, Adolphe Oliver, of St. Mary.  
 For Attorney General, Thomas J. Durant, of New Orleans.  
 For Treasurer, John Perkins, of East Baton Rouge.  
 For Secretary of State, Charles D. Dreux, of New Orleans.  
 For Superintendent of Public Education, R. H. Cuny, of Catahoula.<sup>69</sup>

One city paper<sup>70</sup> which printed the ticket reserved comments on the qualifications and claims of the nominees, from previous experience, until it learned whether the nominees would accept the honor tendered them.

The "personnel" of the Opposition State ticket was declared "irreproachable and worthy" by the old Know Nothing organ, the *Crescent*, although that paper disclaimed participation in any of the Opposition's activities.<sup>71</sup> A few days later, the same journal stated that the ticket was not being wildly acclaimed, although it affirmed that it was being well received.<sup>72</sup>

The regular Democrats decided upon a coalition in New Orleans with their old allies in the municipal elections, and succeeded in getting out what was termed locally the "Independent ticket."

Much attention was paid by the opposition to the fact that the Independent nominees were Old Line Whigs, regular Democrats, and former Know Nothings. They also revived the old story that Slidell's influence was back of the Independent ticket, and classified the parties in the State as "Administration" and "Anti-Administration."<sup>73</sup> But the Democrats reviewed the political events of the past few months and challenged their oppo-

<sup>68</sup>*Weekly Delta*, September 16, 1859. This account is from a hostile source, but accounts in other papers are not sufficiently positive to indict the account of the *Delta*.

<sup>69</sup>*Ibid.*, September 17, 1859.

<sup>70</sup>*Ibid.*

<sup>71</sup>*Ibid.*, September 17, 24, 1859.

<sup>72</sup>It is interesting to notice that the *Crescent* was openly advocating Douglas for the Presidency. It argued that since the South had gained in Douglas' re-election to the Senate over Lincoln, that it would likewise gain in accepting him rather than having to accept the alternative—Seward. Lincoln was declared "the dirtiest and meanest Abolitionist alive. There is not an emotion of his heart, brain or soul, that is not unutterably filthy."—*Crescent*, September 20, 1859.

<sup>73</sup>*Bee*, and the *Crescent*, quoted in the *Weekly Delta*, October 1, 1859.

nents to call the classification other than "opposition" and "Democrat."<sup>74</sup>

Country parishes also took up the contest. Conventions were called by the Opposition sympathizers and plans laid to assist the State ticket.<sup>75</sup> The parishes of St. Martin, Jackson, Ouachita, Terrebonne, Winn, Ascension, nominated candidates for the Legislature or the parish offices on the Opposition ticket, or, in some cases, pledged Democratic candidates for the Legislature to oppose Slidell's re-election to the Senate, by favoring a man from the country.<sup>76</sup> Federal State patronage, as directed by Slidell, came in for bitter denunciation at the hands of the Opposition of Madison, Louisiana, and the St. Martinsville Convention, held in the parish of St. Martin.<sup>77</sup>

In the First Congressional District, there was much talk of calling upon Emile La Sère to stand for Representative to Congress. Two candidates, Bouligny, Know Nothing, and Bienvenue, of the "purifying" Democrats, were in the field, but La Sère, regular Democrat, had been a popular Representative and his experience was an added recommendation, his supporters said.<sup>78</sup> An Independent candidate for Congress, Rufus Waples, came out against Miles Taylor, Democratic nominee for Congressional Representative of the Second District. Taylor had been nominated by the New Liners, but the Administration Democrats had accepted the nomination, and now they fought the new entrant.<sup>79</sup>

In the city, the campaign grew interesting in October. The last night of September saw a long procession of the "Independent Americans" hold a meeting in Clay Square, in the Fourth District. This branch of the American party joined the Independents because the Know Nothings had degenerated into a group of office seekers, according to their own account.<sup>80</sup> The Creoles of the lower part of the city pledged themselves to stand

<sup>74</sup> *Weekly Delta*, October 1, 1859.

It was observed that the *Crescent* was giving little aid to the Opposition, strange to say, and that the *True Delta* was quiet. See *Weekly Advocate*, October 2, 1859.

<sup>75</sup> The *St. Martinsville Courier* of September 3, carried the following: "Independent Convention.—All the citizens of this parish, irrespective of party, who are opposed to the *Slidell State Ticket*, and who are interested in counteracting the corruption and intrigues of that man and of his confederates, are requested to meet at the Courthouse, in St. Martinsville, on Wednesday, September 7."

<sup>76</sup> *Weekly Advocate*, September 18, 1859; *Daily Picayune*, September 1, 6, 15, 1859.

<sup>77</sup> *Weekly Delta*, September 24, 1859; *Daily Picayune*, September 27, 1859.

<sup>78</sup> *Weekly Delta*, October 8, 1859.

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*, October 1, 1859; *The Bee*, quoted in *Weekly Delta*. October 1, 1859.

by the Independents of the Fourth District. A few days later, open air meetings were announced by the "oppositionists," and the press of the city rejoiced at the appearance of a renewal of old time popular gatherings.<sup>81</sup>

But hopes for a return to campaign methods of former years were dashed by a resumption of the outrages of the past. Ruffians began to shoot, stab, and slug as of old, and the police made no arrests or granted "straw bail" in the few arrests that were made.<sup>82</sup> The Know Nothings made counter charges against the Democrats, and, having defended themselves in the premises, proceeded to ascribe the "Independent American" ticket to Slidell and the Federal appointees of New Orleans.<sup>83</sup> It was the old story and the election was near. The authorities charged that popular passions had been excited against them, but their assertions of innocence were not sustained by their police clerk records.<sup>84</sup>

A "Grand Mass Meeting of the Independents" held just before the end of October was a well attended and enthusiastic gathering. Dreux, Horner, and Cotton, addressed the meeting on the history of the Know Nothings party which had deteriorated in aims during the past five years, and contrasted the "feeble faction" of the Democracy, which had followed Soulé, with the conservative branch of the Democratic party. Judge Cotton boldly named some of the gang who were hired by the Americans to do violence.<sup>85</sup>

Events in the country during the first days of October gave evidence of more political activity than was anticipated. Both parties were busily engaged in defending their respective tickets.<sup>86</sup> Only in parishes where there was no opposition was

<sup>81</sup> *Weekly Delta*, October 22, 1859.

<sup>82</sup> *Weekly Delta*, October 29, 1859. The violence was probably not all on one side. Yet even the *Picayune's* daily city news items show that the Irish, etc., seemed to be getting the worst of encounters, on the whole.

<sup>83</sup> *Crescent*, October 25, 1859.

<sup>84</sup> *Weekly Delta*, October 29, 1859; *Courier*, quoted in the same.

<sup>85</sup> *Weekly Delta*, October 29, 1859.

Bob Johnson, Forbes, Lockwood, and Strong were named by Judge Cotton as members of an organized stabbing and shooting gang.

<sup>86</sup> There had been a momentary lull in the agitation of the slavery question throughout the country, and many had hoped the subject would be allowed to rest. As a result of John Brown's raid upon Harper's Ferry, the topic was suddenly renewed in every State. Even the most conservative Louisianians felt that the South would now have to depend upon herself.

The press of the State held John Brown to be an innocent man in comparison with the Beechers, and Gerritt Smiths and others who furnished the arms, money, and incited him to his deeds. The most serious thing was the proof that fanatics were ready to support such insurrections. But it was pointed out that those who wanted to ruin the South would probably not attempt it in that fashion. *Crescent*, October 26, 1859. It was realized by most people, now, that they were facing fact—not theory.

the situation described as quiet.<sup>87</sup> Slidell received some severe criticism at the hands of his rural opponents, one of which may be recounted, here, as quite novel. When Slidell secured appointments to Federal offices in New Orleans for two country gentlemen, he was blamed for taking them from rural life and exposing them to the corrupting influences of city life and office.<sup>88</sup>

Colonel Thomas J. Wells,<sup>89</sup> Opposition candidate for Governor, introduced personalities in his campaign for office, charging that any misrule of recent Governors could be charged to "Slidellism." He was immediately brought up sharp by his opponents for descending to personal denunciation of his rivals and violating the properties, in a manner unbecoming a candidate for Governor, and for not knowing that the last two Governors were anti-Slidell men. The Opposition directed most of their attacks at Slidell, accusing him of mismanagement and of the inauguration of the "one-man power" in the New Orleans police system, by which the mayor appointed the police.

As election day was at hand, men and partisan journals bandied mutual charges of attempted fraud and incitement to violence. Returns from the election gave large majorities for the American ticket against the Independents in the city, and against the Democrats in the congressional contest in the first district. Apprehensions of a recurrence of the usual outrages was given by the Democratic organs as a reason for the smallness of the vote<sup>90</sup>—about one-half the potential vote—in New Orleans; while the Americans' paper, the *Crescent*, assigned as reasons: the disgust of the people at "one man" rule which had been in the State for years, general insubordination to "a matchless manager," and dislike of the selfishness of the leaders.<sup>91</sup> The vote was less than 7,000 and should have reached, all agreed, 11,000, as the election was comparatively quiet. It can not be a great error to say that the meager vote was doubtless to be accounted for in large part to the terror which for the past several years, had been instilled in the peaceable citizens, who did not care to risk life or limb in order to cast a ballot.

For Congress, the candidates for the First Congressional District were, as we have seen, Bouligny, Opposition; La Sère, Demo-

<sup>87</sup>*Daily Picayune*, October 8, 11, 12, 1859.

<sup>88</sup>*Crescent*, quoting the *Richmond Journal*, in the *Weekly Delta*, October 22, 1859.

<sup>89</sup>Called the "planter turfman" by the *Courier*.

<sup>90</sup>*Weekly Delta*, November 12, 1859; *Courier*, November 8, 1859.

<sup>91</sup>*Crescent*, November 9, 1859.

crat; and Bienvenu, "Independent." Bouligny received 2,215 votes to La Sère's 1,796, and Bienvenu's 497. The Democrats charged that the Opposition managed to secure Bienvenu's nomination for the purpose of dividing the Democratic vote.<sup>92</sup> The Second and Third Districts of Orleans, and Orleans Right Bank, gave heavy majorities for Bouligny. Especially was this true of the Third District (old Third Municipality), the home of the Know Nothing Clubs, which gave 904 votes for Bouligny to 493 for La Sère. Yet only about one-fourth of the voters of the First Congressional District cast their ballots. La Sère carried St. Bernard and Plaquemines by large majorities. Colonel Maunsel White, enemy of Slidell and sugar planter, who was President of the Odd Fellows' Hall meeting, ran for Senatorial Representative of Plaquemines and Jefferson and polled only sixty votes.<sup>93</sup>

Against the Democratic State ticket, the Opposition brought itself into ridicule by its puny efforts, beginning with its State Convention in New Orleans.<sup>94</sup> Undoubtedly, the Opposition's organizations of the State ticket in Orleans parish were only for the purpose of strengthening their ticket in the parish. The Second, Third, and Fourth Congressional Districts went Democratic by large majorities; Taylor, Davidson, and Landrum were the victors. Davidson, in the Third District, received 6,288 votes to Cannon's 726, while Landrum, in the Fourth, defeated Jones, 8,823 to 3,220.<sup>95</sup> But Taylor defeated Nichols in the Second Congressional District by only 5,908 to 4,459. Still, Taylor carried all parishes except two, St. James and Terrebonne, and these were close. He received a splendid majority in the Fourth District of Orleans (old Lafayette), but lost the First District (old Second Municipality) by 300 votes.<sup>96</sup> The three chief Democratic candidates on the State ticket—Governor, Lieutenant Governor, and Secretary of State—received majorities of from eight to ten thousand votes.

As the year ended, the Opposition was making claims and overtures to the Democracy of the State in regard to its rights to be represented at the Democratic Convention at Charleston, on the ground that they stood with the Democrats on the sectional

<sup>92</sup>*Courier*, November 8, 1859.

<sup>93</sup>*Weekly Delta*, November 26, 1859.

<sup>94</sup>*Bulletin*, November 10, 1859.

<sup>95</sup>Greeley, *A Political Text-Book for 1860*, 243.

<sup>96</sup>*Ibid.*

question.<sup>97</sup> This appeal for the whole Opposition was interpreted by the Democrats as revealing a desire to support Douglas as a candidate of the South, and with Squatter Sovereignty for the platform. Neither for Douglas nor his platform "can the Southern Democracy unite with the Opposition," was the reply of the Democrats.<sup>98</sup>

<sup>97</sup>*Bee*, quoted in *Weekly Delta*, December 10, 1859; *Crescent*, December 12, 1859; also quoted in *Weekly Delta*, December 31, 1859.

<sup>98</sup>*Weekly Delta*, December 17, 1859.

## CHAPTER XIV

### THE SCHISM IN THE DEMOCRATIC PARTY AND THE ELECTION OF 1860

**I**N THE YEAR 1860 sectionalism further divided the two wings of the Democratic party in Louisiana. Furthermore, the positions of the leaders of the two groups were interchanged; the regular or Administration Democrats, became State secessionists, while the minority wing, led by Soulé, once an advocate of secession, stood for united Southern action, first. The Old Line Whigs and the former Know Nothings advocated the Constitutional Union ticket. They were as always the conservative force in the State on sectional questions. The three groups were to agree on the need for action, after the Presidential election, when apparent injustice within the Union threatened their institutions.

One argument advanced in favor of Governor Moore's election during the late campaign was that he was a member of the planting interest, "which must take the lead in the control, and the chief burden of the responsibility of the future course of our State." The planters were thus to be considered the source of opinion for other classes in the existing and approaching crisis of politics.<sup>1</sup> Governor Moore's inaugural address, delivered on January 23, was a summing up of the sentiment which governed events during the next few months. In regard to this subject of Federal relations he said:

. . . Louisiana does not wish to see these States severed from their present political connections. But no man who has watched the course of the public mind can fail to have observed that in Louisiana, as in the other Southern States, the progress of disunion feeling has been marked and rapid. I am sure, however, that all concur in this, that Louisiana, dearly as she loves the Union, will never separate herself from her sister slave States. Identity of interests and the sympathy growing out of like social institutions would without the compulsion of political necessity, lead her to take whatever position the dangers of the times might demand her to assume. The dangers are grave, and, indeed, appalling; and it is proper that we prepare to meet them, as our sister slave States propose to do, by a thorough organization of our militia

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<sup>1</sup>*Weekly Delta*, January 21, 1860.

system. This would be judicious under any circumstances, and its good effects will be enduring, even if the present emergency pass away. It is my belief, as well as my hope, that it will, and that there will yet be allowed to all the States independence and equality, and that harmony and peace will be restored to our people without a sacrifice of interest or a loss of honor.<sup>2</sup>

The attention of the Legislature of this session was again directed to the perennial question of removal of the capitol from Baton Rouge to New Orleans. The arguments favoring its removal were revived by the press of New Orleans. Approximately one-fourth of the time of the sixty-day session of the Legislature was spent in adjournment due to the absence of a quorum with the absent members in New Orleans on committee business, material affairs, or pleasure.<sup>3</sup> Crude legislation was charged to inexperienced legislators, because the more capable men would not leave the center of business during the business season. It was also contended that the plan of locating the capitol in the center of the State was unnecessary with fair means of transportation in existence. Legislators were assured that New Orleans would provide all accommodations necessary for the next Legislature without any cost to the State.<sup>4</sup>

But the country papers were vehement in their opposition. That the subject was a source of irritation in the country is seen in the threat of one Baton Rouge paper, that if New Orleans were given the capitol the country would demand a new Constitution.<sup>5</sup> New Orleans measures for removal introduced into the Legislature were opposed by the country press on the ground that the city frequently sought special legislation, and moreover, drew more than her share from the public treasury. This last statement brought retorts from the city papers, reenforced by statistics. On March 2, the bill to remove the Capitol to New Orleans was tabled in the Senate by 17 yeas and 7 nays. Five days later that body appropriated \$30,000 for the building of an Executive mansion for the Governor. A result of the determination of the people to fix permanently the capitol at Baton Rouge, was the plan to extend the Baton Rouge Railroad to New Orleans. A measure to "that end was introduced in the Senate at once."<sup>6</sup>

<sup>2</sup>*Weekly Delta*, January 28, 1860.

<sup>3</sup>*Ibid.*, January 21, 1860; *Daily Picayune*, February 24, 1860.

<sup>4</sup>*Daily Picayune*, February 24, 1860.

<sup>5</sup>*Gazette and Comet*, March 4.

<sup>6</sup>*Ibid.*, March 8, 1860.

The annual selection of the state printer brought about a clash between the Slidell faction and the opposition. The former, however, controlled the party caucus, and, after a lengthy discussion, succeeded in electing Tom Bynum of the *Baton Rouge Advocate* as Printer.<sup>7</sup>

Now that the politicians were no longer preoccupied with the absorbing subject of the spoils of a new administration, State politics came to the fore. The Americans in the Legislature made overtures to the Democrats in regard to being allowed representation in the Charleston Convention. Some of the Democrats who were close to the New Liners, as Major Herron, General Phillips, and others, would have allowed them to participate as delegates to Charleston in return for a pledge to support the Democratic nominee.<sup>8</sup> But the Old Liners would not consent to the trade because they feared the formation of an alliance which would control the Democracy, elect the United States Senator, and transfer the Louisiana delegation's vote to Douglas.

The Old Liners had been made more wary by their disappointment in the Speaker of the House, Morrison; although elected by their votes, he had appointed New Liners as chairmen of the more important Committees.<sup>9</sup> This encouragement to the New Liners, and the attempts to procure representation for the old Know Nothings on the delegation to the Charleston Convention, the Democrats looked upon with suspicion as a possible plot against the integrity of the Democracy of the State.<sup>10</sup> There was also some jealousy among them because of the rapid promotion of some of the Old Line Whigs who had deserted Know Nothingism for the Conservative wing of the Democracy. They had not forgotten that a few years back these Whig sugar planters had been uncompromisingly against them; and the regulars feared that these conservative recruits might embarrass the Democracy by holding Louisiana out of the regular line of Southern States. At any rate, they would be difficult to assimilate thoroughly.<sup>11</sup>

Evidence of this fact was seen when the Democratic State Convention met at Baton Rouge on March 5. General John L. Lewis, of New Orleans, called the convention to order. General A. G. Carter, of Feliciana, was unanimously made President

<sup>7</sup>*Gazette and Comet*, March 2, 1860.

<sup>8</sup>*Weekly Delta*, January 28, 1860.

<sup>9</sup>*Ibid.*

<sup>10</sup>*Courier*, February 1, 1860.

<sup>11</sup>*Ibid.*, March 17, 1860.

of the Convention. Gusman, of East Baton Rouge, an anti-Slidell man, precipitated confusion and excitement by offering a resolution that delegates elected to Charleston should pledge themselves to support the nominee of the Charleston Convention, and that those who refused should be excluded. A substitute was offered by Lott, of Carroll parish, that the delegates to Charleston should be instructed to attempt to insert in the platform of that Convention the resolutions reported to the Senate by Jefferson Davis on the protection of slavery in the territories.<sup>12</sup> This increased the confusion, but both resolutions were voted down.

But the Old Line Democrats soon had everything going their own way, despite the efforts of the unfledged of the New Line Democracy to gain recognition. A newspaper correspondent observed that "the new line opposition omnibusses have done all the racing and talking, without carrying any inside passengers, while the old line have jogged along in their old-fashioned trot, full inside, and with some on top." Ex-Governor Mouton, chairman of the Committee on Resolutions, presented resolutions expressing confidence in President Buchanan; instructing delegates to adhere to the two-thirds vote in convention for party nomination; that the delegates vote as a unit; that in case of election of a "Black Republican," Louisiana meet her sister states in convention; belief in Slidell as qualified for Presidency but no instructions on nominations; pledging support of the Party nominee; and appreciation of the loyalty of Democrats of the non-slaveholding states to the party principles. Another resolution was destined to have quite a bit of importance at Charleston. It read:

(Handwritten mark)

That the Territories of the United States belong to the several states as their common property, and not to the individuals thereof. That the Federal Constitution recognized property in slaves, and, as such, the owner thereof is entitled to carry his slaves into any of the Territories of the United States, and hold them there as property; and in case the people of the Territories, by inaction, unfriendly legislation, or otherwise, should endanger the tenure of such property, or discriminate against it, by withholding that protection given to other species of property in the Territories, it is the duty of the General Government to interpose by active exertion of its Constitutional powers to secure the rights of slaveholders.

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<sup>12</sup>Daily Picayune, March 6, 1860.

All of these resolutions were adopted as read. A substitute was offered for the third, that nothing should be said about slavery in the Territories, was voted down. A motion by Mr. Gusman, of East Baton Rouge, to strike out the resolution concerning John Slidell was defeated 206 to 34.<sup>13</sup>

Know Nothings were wrathful because the test of admission to the Democratic Convention had been "Douglas." Opposition to Douglas allowed the candidate for admission to enter.<sup>14</sup> The endorsement of Slidell, the Know Nothings averred, was due to Federal office holders from New Orleans who owed their places to that Senator. One paper<sup>15</sup> demanded that another Convention should be called to repudiate the action of the Democrats. With the exception of a mere statement that they had endorsed the Administration and their local chief and had not mentioned Douglas's name in the Convention, the Democrats were silent regarding the state Convention.<sup>16</sup>

Opponents of the Administration and of Slidell now derided the Democrats of the State for being mere political puppets and predicted Douglas's election to the Presidency.<sup>17</sup> Slidell's control of the Federal patronage of the State and the latest victory of his followers in State politics had about exhausted the patience of his opponents, who ardently hoped for Douglas's election in order that Slidell might be deprived of part of his power.<sup>18</sup> Indeed, Slidell's influence was felt to be so great that a historian of the present day has characterized him as "the power behind the throne," in Buchanan's administration.<sup>19</sup> Slidell, hearing the boastful claims of the Douglas supporters for a sure nomination at Washington, where they maintained headquarters, was so irritated that he decided to attend the Charleston Convention. Of his expected appearance at the Convention to work against Douglas, an eminent journalist, Murat Halstead, who attended and reported the conventions of 1860, wrote:

He will be here this evening, and will operate against Douglas. He is a matchless wire-worker, and the news of his approach causes a flutter. His appearance means war

<sup>13</sup>*Daily Picayune*, March 7, 1860.

<sup>14</sup>"Do you believe in the King, and do you acknowledge him as the superior power?" "If so sit; if not, receive your mark and number and consent to everlasting banishment." *Gazette and Comet*, March 11, 1860.

<sup>15</sup>*Gazette and Comet*, March 11, 1860.

<sup>16</sup>*Courier*, quoted in *Gazette and Comet*, March 11, 1860.

<sup>17</sup>*Gazette and Comet*, March 25; *Crescent*, March 26, 1860; *Bee*, quoted in *Weekly Delta*, March 21, 1860.

<sup>18</sup>*Gazette and Comet*, April 29, 1860.

<sup>19</sup>W. E. Dodd, *The Cotton Kingdom*, 139.

to the knife. It means also, that the Administration is uneasy on the Douglas question—and feel constrained to exert every influence against the Squatty Giant of Illinois, whose nomination would be perdition to Buchanan, Slidell & Co.<sup>20</sup>

On April 22, the next day, the same writer described a number of the important personages to be found at the various hotels of the city, who were perfecting arrangements for their activities in the Convention. Among those described was John Slidell. The journalist said, in part,

... Within, seated at a round table, on which books, newspapers and writing material is scattered about, is a gentleman with long, thin white hair, through which the top of his head blushes like the shell of a boiled lobster. The gentleman has also a cherry-red face, the color being that produced by good health, and good living joined to a florid temperament. His features are well cut, and the expression is that of a thoughtful, hard-working, resolute man of the world. He is a New Yorker by birth, but has made a princely fortune at the New Orleans bar. He is not a very eloquent man in the Senate, but his ability is unquestioned; and it is universally known that he is with the present administration the power behind the throne greater than the throne itself. Mr. Buchanan is as wax in his fingers. The name of this gentleman is John Slidell. His special mission here is to see that Stephen A. Douglas is not nominated for the Presidency. If I am not much mistaken, he just now manipulated a few of the Northeastern men with such marvelous art, that they will presently find that they are exceedingly anxious to defeat the nomination of Douglas, and they will believe that they arrived at the conclusions now coming uppermost in their minds in their own way.<sup>21</sup>

About a week later, Halstead thought that Slidell and other opponents of Douglas were making no headway against him.<sup>22</sup> But on the following day, April 30, he stated that Douglas men were worried at finding some in their ranks who were not to be trusted with the party secrets. "It was known that Slidell & Co. were willing to buy all such fellows, and there was alarm in the camp of Douglas on the platform question."<sup>23</sup> Such remarks

<sup>20</sup>Murat Halstead, *Caucuses of 1860. A History of the National Political Conventions of the Current Presidential Campaign . . . .*, 7.

<sup>21</sup>*Ibid.*, 12-13.

<sup>22</sup>*Ibid.*, 59-60.

<sup>23</sup>*Ibid.*, 69.

on Slidell's political methods are not flattering, but do not detract from the fact that he was a leader among the political geniuses of the day.

At the Charleston Convention on April 26, Mouton, of the Louisiana delegation, introduced the resolution concerning slavery in the Territories. But only a few days later, April 30, the southern states delegations were on the defensive in opposition to the Cincinnati platform which was about to be adopted. On the same day the Louisiana delegation withdrew,<sup>24</sup> with others,

<sup>24</sup>"To the Hon. Caleb Cushing,

"President of the Democratic Convention:

"Sir:-

"The undersigned delegates from the State of Louisiana, in withdrawing from the Convention, beg leave to make the following statement of facts:

"On the 5th day of March, 1860, the Democracy of Louisiana assembled in State Convention at Baton Rouge, and unanimously adopted the following declaration of their principles:

"Resolved. That the Territories of the United States belong to the several States as their common property; . . ." (Here followed the text of the resolution).

"The principles enumerated in the foregoing resolution are guaranteed to us by the Constitution of the United States, and their unequivocal recognition by the Democracy of the Union we regard as essential, not only to the integrity of the party, but to the safety of the States whose interests are directly involved. They have been embodied in both of the series of resolutions presented to the Convention by a majority of the States of the Union, and have been rejected by a numerical vote of the delegates.

"The Convention has, by this vote, refused to recognize the fundamental principles of the Democracy of the State we have the honor to represent, and we feel constrained, in obedience to a high sense of duty, to withdraw from its deliberations, and unanimously to enter our solemn protest against its action.

"We ask that the communication may be spread upon the minutes of the Convention, and beg leave to express our appreciation of the justice and dignity which have characterized your action as its presiding officer.

"(Signed)

"A. MOUTON  
"JOHN TARLETON  
"RICHARD TAYLOR  
"EMILE LASERE  
"F. H. HATCH  
"E. LAWRENCE  
"A. TALBOT  
"E. W. PEARCE  
R. A. HUNTER  
D. D. WITHERS

"The undersigned, in explanation of their position, beg leave to annex the following statement, viz.:

"Whilst we took the same view with our colleagues, that the platform of principles, as adopted by this Convention, was not what was expected by Louisiana and desired by ourselves, as sufficient to regard the rights of that State, and of the whole South, under the Constitution, we are now unwilling precipitately to retire from the Convention, until all hope of accommodation shall have been exhausted, and until the last moment had arrived, at which, in justice to our own honor, and the interest and dignity of our own State, we would be forced to retire. We, therefore, were opposed to the retirement of the delegation at the time it was made; but believing that the other members of the delegation were actuated by the same motives which governed our own opinions, and desiring our State to present a firm, undivided front, we being in the minority of the delegation, were willing to yield, and did yield, our opinions to the judgment of the majority.

"J. A. McCHATTON,  
"CHARLES JONES.

"Charleston, S. C., May 1, 1860.  
Horace Greely, *A Political Textbook for 1860*, 39.

from the National Convention and planned an "independent" meeting for that evening. Hunter of Louisiana was appointed on the resolutions committee. On the evening of May 2, most of the Louisiana delegates left for home.

As stated in a previous chapter, Soulé during the convention held at Baton Rouge for the selection of state officers, broke with some of his fellow Douglasites and returned to New Orleans in great disgust. Upon his arrival there, he made war on his opponents who, with Herron and others, remained at Baton Rouge in the Convention. Soulé was the leader of the "Simon Pure" Douglasites and his former associates, with whom he had now broken, became organizers of the "Louisiana Democratic Association."<sup>25</sup> Members of the Association were also termed "bolter Douglasites" to differentiate them from the Soulé or "Simon Pure" branch.

All followers of Douglas and others who opposed the regular Democrats of the State, quickly seized the opportunity for action, presented by the withdrawal of the Louisiana delegates from the Charleston Convention. A "Union Meeting" was held by the "bolter Douglasites" at Lafayette Square and heard a strong "Union" speech from Colonel I. E. Morse. In 1850, Morse had taken a position with Soulé on the Compromise, and made "the only Disunion speech ever made in New Orleans."<sup>26</sup> This fact was recalled by the Democrats, who claimed that disunion sentiments had not been voiced in the city other than by Morse himself. On May 16, the president of the "Louisiana Democratic Association," Geo. A. Fosdick, issued a call to the National Democracy of the State to send delegates to a convention at New Orleans on June 8, to choose delegates to the National Democratic Convention at Baltimore.<sup>27</sup> The movement was given impetus by Thomas Cottman, National Executive Committeeman from the State, who issued another call on May 22, to the "National Democracy of the State" and to those who proposed to sustain the platform and nominees of the adjourned National Democratic Convention, to meet at Donaldsonville on June 6 to select delegates to the Baltimore Convention.<sup>28</sup> Both Cottman and Fosdick's calls were charged to the failure of the State Executive Committee to call a "Convention to fill the seats vacated in the National Democratic

<sup>25</sup>*Weekly Delta*, June 16, 1860.

<sup>26</sup>*Ibid.*, May 12, 1860.

<sup>27</sup>The National Douglas Convention was to reassemble at Baltimore on June 18, 1860.

<sup>28</sup>*Daily Picayune*, May 22, 1860.

Convention by the secession from it of the delegates chosen by the late Baton Rouge Convention."<sup>30</sup>

After Cottman's call was made, the "Louisiana Democratic Association" approved his act and immediately rescinded their call for the assemblage at New Orleans on June 8.<sup>31</sup> Rural parishes had organized clubs and now received notices from their President of the Executive Parish Committee to hold meetings and choose delegates to Donaldsonville. Also, the parish meetings were directed by their respective Executive Committee to pass any resolutions they thought proper, relative to the ten bolting delegates from the State and the "two who remained true to the trust."<sup>32</sup>

The Soulé Douglasites in the meantime held a large meeting at Odd Fellows' Hall in New Orleans.<sup>33</sup> Soulé, who was the chief speaker at this gathering, asserted, among other things that Calhoun endorsed the doctrine of "Territorial sovereignty," and, that Slidell opposed Douglas at Charleston from purely personal feelings.<sup>34</sup> The first was clearly untrue, and the second invidious. Still the strength exhibited by the "Simon Pure" Douglasites caused the "bolters" to send representatives with overtures for a reuniting of their forces.<sup>35</sup> Their offer was accepted, and Soulé proceeded to elect from his group a full New Orleans delegation to Donaldsonville. The "bolters" or Association men of the city now had Cottman intercede with Soulé for them. Finally a few were allowed proxies to attend at Donaldsonville as delegates.<sup>36</sup> This maneuvering of affairs in his own way brought upon Soulé's head from the Democrats the remark that "King Peter has given a much stronger illustration of his autocracy than King John ever assayed."<sup>37</sup> Meanwhile, the Democrats had not been idle. After announcement of Lincoln's nomination, Slidell wrote from Washington to A. G. Carter, president of the State Democratic Convention,

Mr. Lincoln may be, and probably is, as hostile to the institution of slavery as Mr. Seward, but his record on that subject, which I have not yet had the opportunity to examine, is comparatively obscure and incomplete, and

<sup>30</sup>*Daily Picayune*, May 19, 22, 1860.

<sup>31</sup>*Ibid.*, May 22, 1860.

<sup>32</sup>*Weekly Gazette and Comet*, May 20, 1860.

<sup>33</sup>*Weekly Delta*, May 26, 1860

<sup>34</sup>*Ibid.*

<sup>35</sup>*Ibid.*

<sup>36</sup>*Ibid.*, June 16, 1860.

<sup>37</sup>*Ibid.*

his election, especially if the contest be complicated by any division in our ranks, would not present as absolute and unmistakable a test of Northern sentiment as that of Mr. Seward.<sup>37</sup>

In the same letter Slidell approved of the action of the Louisiana delegation at Charleston, but modestly disclaimed any influence with the deliberations of the delegation. The delegates who retired from the Convention at Charleston, Slidell stated, had awaited the action of the Convention in the hope that a platform in keeping with their honor would be adopted, so that they could resume their seats. But the adjournment to Baltimore had left the state of affairs just as they were. Slidell suggested, at the close of the letter, that the Louisiana delegates should meet at Richmond, and then "adjourn over to a day subsequent to that fixed for the meeting of the Convention at Baltimore . . ."<sup>38</sup>

The Democratic State Convention reconvened at Baton Rouge, June 4, 1860, sustained the action of the delegates to Charleston; and drew up resolutions of instruction for the delegates reappointed to the Richmond and the Baltimore Conventions. The resolutions approved the secession from the Charleston Convention; asserted the delegates' rights to seats at the Baltimore Convention; approved of the previous Convention to be held at Richmond; authorized the delegates to withdraw from the Baltimore Convention if deemed desirable; and in case of withdrawal, to unite with the Richmond Convention in making nominations for the Presidency and Vice-Presidency. A minority report, signed and submitted by one representative alone—J. M. Sandidge—was defeated by a vote of 155 to 33.<sup>39</sup>

The minority group favored, at first, abiding by the action at Baltimore, under protest, while the large majority wanted to retain independent action in every contingency.<sup>40</sup> Finally, Sandidge, Lewis, and thirteen others chiefly delegates from Bossier, Claiborne, Rapides and Sabine, signed a protest against authorizing the State delegates to attend the Richmond Convention. The protest was recorded.<sup>41</sup> The ranks of the regular Democrats were thus slightly broken at Baton Rouge; but they presented a united front at Richmond and at Baltimore.<sup>42</sup>

<sup>37</sup>Quoted in *The Daily Delta*, May 24, 1860.

<sup>38</sup>Quoted in *The Daily Delta*, May 24, 1860; also quoted in *Weekly Delta*, May 26, 1860.

<sup>39</sup>*Daily Picayune*, June 5, 1860.

<sup>40</sup>*Ibid.*, June 4, 1860.

<sup>41</sup>*Daily Picayune*, June 7, 1860.

<sup>42</sup>M. Halstead, *Caucuses of 1860, National Political Convention*, 218, 220.

On June 6, the "Donaldsonville Douglas Convention" heard the Honorable Pierre Soulé explain the object of the meeting and denounce the action of the convention at Baton Rouge, as the galvanizing of "a defunct body." The committee on credentials recognized one hundred and forty-one delegates from the parishes of Plaquemines, St. Bernard, Orleans, Jefferson, St. John Baptist, St. Charles, St. James, Ascension, Assumption, St. Martin, St. Mary, Pointe Coupée, West Feliciana, East Feliciana, Livingston, St. Tammany, East Baton Rouge, Iberville, Rapides, Ouachita, and Franklin, twenty-one of the forty-nine parishes.

"Dr. Gale, of Ouachita, offered a resolution disapproving of the Louisiana delegates at Charleston, but sustaining Mr. Charles Jones and Mr. McHatton, who had resisted the seductions of the majority of the delegates, and who did not withdraw until forced to do so." Colonel Ryan, of Rapides, denounced the seceders as unmanly.<sup>43</sup>

The resolutions of the Convention, reported by Chairman Soulé, condemned the action of the seceding delegates as contrary to Democratic party discipline and usage in the minority's rebellion against the majority, criticized the introduction of the resolution on slavery in the Territories, and raising the question of slavery, and approved of Douglas but pledged support to the Baltimore nominee.<sup>44</sup> Soulé then offered a resolution instructing the delegates to vote for Douglas and "to continue to do so as long as his name remained before the Convention." After a very warm debate the resolution was withdrawn. Herron, of East Baton Rouge, defended the Douglas men of the North and denounced the Southern delegates who withdrew at Charleston.

After Bell and Everett had been nominated by the Constitutional Unionists at Baltimore on May 9, enthusiasm for them increased to such an extent that Randell Hunt, Christian Roselius, and others, published a call for a Mass Meeting to be held at Odd Fellows' Hall, on May 30th. The call was addressed to the "Citizens of New Orleans, without respect to former political differences," and the slogan of the meeting was to be "The Constitution, The Union and the Enforcement of the Laws."<sup>45</sup> The old Whig papers, which had been largely Know Nothing since the demise of the Whig organization, now called on the conserva-

<sup>43</sup>*Daily Picayune*, June 7, 1860.

<sup>44</sup>*Ibid.* (Evening Edition)

<sup>45</sup>*Daily Picayune*, May 29, 1860.

tives of New Orleans to go in for Bell and Everett.<sup>46</sup> Evidently some of the "solid men" of the city rejoiced in the prospects for the "old gentlemen's party," although the *Bee* artfully suggested that Bell and Everett should not be thrust forward locally unless the Democratic party failed to unite at Baltimore.

The Bell and Everett ratification meeting organized with Christian Roselius as President. Randell Hunt was the main speaker of the evening. He explained that the three valuable platform articles, the Constitution, the Union and enforcement of the laws, called for support of Bell and Everett, the Constitution as the only platform and the election of parish delegates to a State Convention for the purpose of choosing an electoral ticket.<sup>47</sup> Hunt was followed by Jonas, who professed to see in the Bell and Everett movement in the State a rejuvenation of the old Whig party.

The regular, or Slidell, Democrats pretended to become uneasy over the situation. They warned their conservative members against rushing into acceptance of the Bell-Everett movement, reminding them that Bell had supported the reception of Abolition petitions into Congress in 1836, and that he opposed the Mexican War.<sup>48</sup> Moreover, if the object of the local supporters of Bell was to secure United Southern action, the only "reasonable plan" would be to support the nominee of the Southern Rights Democracy.<sup>49</sup> As for the participants in the Donaldsonville Convention, they were looked upon by the regular Democracy of the State as betrayers of Southern rights.<sup>50</sup> In fact, the Douglas party of Louisiana was composed of various combinations which were united only through a common hatred of Slidell.<sup>51</sup> Even some of the Know Nothings avowed that they would vote for Douglas in order to regain the liberty which had "fallen into the hands of caucuses and Conventions." "We do not like his 'squatter sovereignty' any better than you do; but . . . by his election, which is a fixed fact, if nominated, we can split open the great democratic party as it is called, which just now is composed of an army of Federal and State office holders."<sup>52</sup>

<sup>46</sup>See *Weekly Delta*, May 26, 1860.

<sup>47</sup>*Ibid.*, June 2, 1860.

<sup>48</sup>*Ibid.*, May 26, 1860.

<sup>49</sup>*Ibid.*

<sup>50</sup>*Courier*, May 29, 1860.

<sup>51</sup>The *Courier* made a brief analysis of the Douglas following and found it to be composed of Know Nothings, disappointed seekers after federal patronage, disappointed Democratic candidates, and, in general, those who had supported Wells for Governor at the last gubernatorial campaign. See *Weekly Delta*, June 16, 1860.

<sup>52</sup>*Weekly Gazette and Comet*, June 3, 1860.

The Southern Constitutional Democratic Convention assembled at Richmond on June 12, and recessed to attend the Baltimore Convention with the understanding that if the majority platform was adopted at Baltimore that they would secede and return to Richmond. All the delegates present, except those from South Carolina, departed for Baltimore. The Louisiana seceding delegates were refused admission to the Baltimore Convention on June 19. On the 21st of June the delegation headed by Soulé was seated.

On June 28, the old Charleston delegates were participating in the meeting of the Southern Constitutional Democratic Convention, which had adjourned to the Maryland Institute building. Twenty-one states were represented and harmony prevailed throughout.<sup>53</sup> Richard Taylor of the Louisiana delegation, was appointed one of the vice-Presidents of the organization, while one of his colleagues, Hunter, took an active part in the proceedings, which led to the nomination of Breckenridge and Lane.

News of the nominations met with much enthusiasm, as Breckinridge was admired in the State,<sup>54</sup> and the Democratic organs immediately forecast an unprecedented majority for him. The Douglas party was belittled as one that derived its vitality solely from "a few disappointed politicians and office-seekers hostile to one of the Senators from this State."<sup>55</sup> But the Bell-Everett party, on the other hand, was spoken of by the Democrats as being composed of "well-meaning citizens, of honest purposes" who must soon support Breckenridge and Bell when they saw the futility of their movement. This last statement was, of course, merely the expression of a hope.<sup>56</sup>

Anti-Democrats and the Bell-Everett men alike exulted over the split of the Democracy in Baltimore. The *Bulletin* was bitterly anti-Democratic and deemed the road clear for Bell and Everett clubs; the *Bee* was more moderate; while the *Crescent* was largely indifferent to the Democratic Conventions and supported Bell and Everett.<sup>57</sup> Bell and Everett ratification having been accomplished earlier than that of Breckenridge and of Douglas, the "Bell ringers" were off first with the opening of a vigorous campaign for their champion.

<sup>53</sup>*Daily Picayune*, June 24, 1860.

<sup>54</sup>*Weekly Delta*, June 30, 1860.

<sup>55</sup>*Ibid.*

<sup>56</sup>*Ibid.*

<sup>57</sup>*Ibid.* These Know Nothing papers seemed glad of a change. The *Bee* had been supporting Douglas, earlier in the year.

After the Democratic split at Baltimore the "Constitutional Union" party's hopes increased, and a full electoral ticket selected by their nominating Convention at Baton Rouge on July 4. "Save the Union" was their watch-word, "If Lincoln shall be elected, disunion follows."<sup>58</sup> At a state convention at Baton Rouge on July 4 about two-thirds of the parishes of the state were represented; Randell Hunt was chosen President of the Convention, with a Vice-President from each of the six electoral districts.<sup>59</sup> The six electors chosen were R. Gardere, Randell Hunt, Christian Roselius, J. O. Fuqua, T. H. Lewis, and John Ray. Old Whiggery came to life and erring "prodigals" were reclaimed from "Sam."<sup>60</sup> The Bell-Everett party kept to the front the claim that their organization was "composed of all men of other parties who love their country and detest political treason," while Breckenridge represented principles which were "odious" and the vote for Douglas was to throw away a vote.<sup>61</sup>

Both Breckenridge and Bell men realized each other's strength and that the fight for the State lay between them.<sup>62</sup> The Bell men claimed that Breckenridge's supporters were over confident and were losing ground.<sup>63</sup> Attempts were made to prove that Breckenridge's position on the territorial question was identical with Douglas's, and Breckenridge's speech on the Kansas bill in 1854 was produced as evidence of their contentions. Then the Bell men argued for Democrat support for Bell against Lincoln as the South's only chance, on the same basis "on which Old Whigs voted for Buchanan in 1856."<sup>64</sup> One Bell-Everett organ argued that since Buchanan received a majority of only 1,455 in Louisiana in 1856, that Bell and Everett had a "fair showing."<sup>65</sup> The *Delta* retorted that New Orleans gave Fillmore a majority of 3,600 votes in 1856 under a reign of terror which would not be repeated under the present mayor.<sup>66</sup> Democratic votes had totaled 25,000 in 1859, to 16,000 of the Opposition, and the regular Democrats believed that their majority would not be overcome even with a third party in the race.

<sup>58</sup>F. A. Lumsden to *Picayune*, Baltimore, June 24, 1860. Lumsden was part owner and on the staff of the *Picayune*.

<sup>59</sup>*Ibid.*

<sup>60</sup>*Weekly Delta*, July 14, 1860.

<sup>61</sup>*The Constitutional*, Alexandria, August 4. This paper was begun at this date as a purely campaign journal.

<sup>62</sup>*Weekly Delta*, August 18, 1860; *Bee*, August 15, 1860.

<sup>63</sup>*Weekly Delta*, July 14, 1860.

<sup>64</sup>*Crescent*, July 9, 1860.

<sup>65</sup>*Ibid.*, July 16, 1860.

<sup>66</sup>*Weekly Delta*, July 21, 1860.

On July 19, a mass meeting was held in New Orleans by the followers of Douglas for the purpose of ratifying his nomination. The meeting was held on Canal Street and Soulé, Miles Taylor, John Forsyth, and Andrew S. Herron were announced as speakers.<sup>67</sup> A good crowd attended, but many present were "Bell and Everett allies" as Soulé termed them.<sup>68</sup> The principal point relied upon to secure supporters for Douglas was his moral courage in opposing "Black Republicanism" and the Administration and his chances to defeat the Republican nominee.<sup>69</sup> By mid-August, an electoral ticket had been selected with such outstanding names as Colonel Maunsel White and Pierre Soulé as electors from the First and Second Districts, respectively.<sup>70</sup>

The regular Convention of the Democratic party, as we have seen, was held at Baton Rouge before the National Convention and nominated candidates for the State ticket. Candidates were in harmony with the National party nominees.<sup>71</sup> A gathering of the Democracy which was estimated at 15,000, held a harmonious and enthusiastic ratification meeting in New Orleans in favor of Breckenridge and Lane. W. C. C. Claiborne was chairman of the meeting, and Moise and Mouton were the chief speakers. Resolutions passed which denounced the admittance of Donaldsonville delegates at Baltimore as an outrage, and efforts were pledged to attempt the rescue of New Orleans from the "baneful influences" of the past years.<sup>72</sup> The hostility between the Douglas and Breckenridge parties was declared irreconcilable, and the overtures of Soulé to the Opposition vote of 1859 for Douglas, and Miles Taylor's defeat in Congress of the appropriation for the completion of the Custom House, a measure sponsored by Slidell, increased the division between the branches of the party.<sup>73</sup>

In New Orleans, Breckenridge and Lane demonstrations and "Belleverettite" parades were staged with much enthusiasm at frequent intervals during September. Bets were offered and enthusiastically taken that Louisiana would not go for Breck-

<sup>67</sup>*Daily Picayune*, July 19.

<sup>68</sup>Quoted in *Weekly Delta*, July 21, 1860.

<sup>69</sup>*Weekly Gazette and Comet*, July 15, 1860.

<sup>70</sup>*Weekly Delta*, August 18, 1860.

<sup>71</sup>*Daily Picayune*, July 6, 1860.

<sup>72</sup>*Weekly Delta*, August 18, 1860. The *Delta* declared that it was not inconsistent in approving of Breckenridge, now, and denouncing his Tippecanoe speech in 1856. It stated that its article in 1856 was based on an incorrect report. "At all events, he is right now, and we support him because he is right. If he was wrong in '56, we were right in opposing him then. If he was right in '56, we were simply mistaken as to his views." *Weekly Delta*, August 25, 1860.

<sup>73</sup>*Crescent*, July 21, 1860; *Weekly Delta*, July 14, 28, 1860.

enridge.<sup>74</sup> The mayor ordered the police to keep out of active politics.<sup>75</sup> The country regions were recognized as the important fields of battle,<sup>76</sup> and the Breckenridge Democracy sent Robt. T. Hunter into the Red River country to combat the Douglasites around Natchitoches.<sup>77</sup> Hardy, Secretary of State, was ordered to follow Major Herron, while Thomas Green Davidson, the "old War-horse," began a series of attacks in the Third District on Soulé in which he emphasized Soulé's inconsistency of position in 1850 and the present.<sup>78</sup> Organizations of the Bell and of the Breckenridge forces were to be found throughout the State, but those for Douglas<sup>79</sup> were scattered or ineffective.

As the campaign drew to a close, the fight waxed warmer, and unjust arguments were made by all sides. Still the consistent cry of the Bell men was that the Democrats had not selected "a safe and reliable man," while the Democrats retorted that Bell was not fitted "for a stormy Presidential career."<sup>80</sup> By the first of October, newspaper advertising space was crowded with the political club announcement notices.<sup>81</sup> Torch-light processions, Union mass meetings and barbecues,<sup>82</sup> and joint political rallies were held with more frequency.<sup>83</sup> The "last word" of some of

<sup>74</sup>*Weekly Crescent*, September 15, 1860; *Daily Picayune*, September 7, 1860; *Weekly Delta*, September 8, 1860.

<sup>75</sup>*Gazette and Comet*, August 26, 1860.

<sup>76</sup>*Weekly Delta*, July 21, 1860.

<sup>77</sup>*Ibid.*

<sup>78</sup>*Ibid.*, Soulé was now arguing that where power was not expressly granted to the general Government, it was in the hands of the people, where territories existed.

<sup>79</sup>It was reported in September, that Soulé was speaking around Canton, Miss. *Weekly Delta*, September 8, 1860.

<sup>80</sup>*Weekly Crescent*, September 8, 1860; *Weekly Delta*, September 22, 1860.

<sup>81</sup>*Weekly Crescent*, September 29, 1860.

<sup>82</sup>Part of the "Union Song" written for the Constitution Club to be sung to the tune of "Dixie" ran thus:

Come boys, let's sing a song to-night,  
And ring the Bell with all our might,  
Hurrah! Hurrah!! Hurrah for the Union!  
Our foes they travel o'er a Lane,  
But it's not the road to Union plane,  
Hurrah! Hurrah!! Hurrah for the Union!

CHORUS

We'll save this glorious Union,  
With Bell, with Bell;  
The Union band will save the land,  
And live or die for Union!  
With Bell, with Bell;  
We'll save this glorious Union  
With Bell; with Bell,  
We'll save this glorious Union!

*Weekly Crescent*,  
September 15, 1860.

<sup>83</sup>*Daily Picayune*, October 20, 1860; *Weekly Crescent* October 20, 1860; *Weekly Delta*, November 3, 1860.

the Bell-Everett speakers was that the Breckinridge party was not only "sectional" but "disunion" and that secession, which would result from disunion doctrines, meant treachery to the general Government.<sup>84</sup>

By the latter part of October, Lincoln's election was anticipated by many people of the State; and on October 11, some of the prominent merchants and capitalists addressed a letter to Governor Moore which was an inquiry as to what his opinion was concerning the policy to be pursued by the people to maintain the "Federal Union" and "the rights of the slaveholding section of the Confederacy."<sup>85</sup> The answer of the Governor was not pleasing either to members of his own party or the opposition. He recommended a conference of the Southern States, intimating that the object of the conference should be the preservation of the Union, while many of his party constituents thought the only aim of such a body should be the "maintenance and preservation of Southern rights."<sup>86</sup> The political opponents of the Governor resented his attribution of the divisions in the State to the opponents of the Democratic party; but expressed satisfaction that the Governor was "no secessionist," and reminded the Breckinridge men that the South must cease to consume Northern products before it could be prepared to "struggle for independent existence."<sup>87</sup>

A petition was addressed to the Governor by prominent merchants, of New Orleans, without regard to party, asking him to convene the Legislature with the view of considering the political crisis confronting the South. Southern Rights advocates also favored the position of the State on account of "so large a class of undecided and lukewarm supporters of the policy and claims of the South."<sup>88</sup> Some of the Opposition now conceded the election of Lincoln as an almost certainty, but blamed that probability upon the leaders of the "*Southern*" Commercial Conventions,<sup>89</sup> who had, however, found the people willing to be led.

The political positions of some classes of the population, as observed by contemporary accounts, are interesting in the light of what occurred at the election. In general, the slave owners

<sup>84</sup>*The Constitutional*, November 3, 1860; *Weekly Gazette and Comet*, November 3, 1860.

<sup>85</sup>*Weekly Delta*, October 20, 1860.

<sup>86</sup>*Ibid.*

<sup>87</sup>*Daily Picayune*, October 17, 1860.

<sup>88</sup>*Weekly Delta*, October 20, 1860.

<sup>89</sup>*Weekly Gazette and Comet*, October 20, 1860.

were, or would have been, Whigs and supported Bell. But here and there a prominent planter and slave owner was a Breckinridge Democrat, and actually professed to fear the results of the election of such a type of man as John Bell.<sup>90</sup> Merchants and other business men were largely for Bell, and one Bell organ<sup>91</sup> stressed the importance of merchants writing to their country friends and making them *feel* the importance of electing a conservative man to the Presidency.<sup>92</sup> A majority of their friends in the country were Democrats.

John Slidell published an "Address" to the people of the State on September 25, in which he expressed fear that there were "very many, in New Orleans whose secret sympathies are with Lincoln and Hamlin, and who only await the moment when they may safely disclose them."<sup>93</sup> This opinion was borne out in the election. Slidell had been forced, as we have seen, to support the most extreme branch of the Democratic party, although he was a moderate. In this same Address he said:

. . . The Union has no more devoted worshiper [sic] at its shrine than I, when, at the bidding of Louisiana, I took my seat in the Senate of the United States. My views on that subject have since been undergoing a gradual change, until, by slow degrees, I have reluctantly arrived at the conclusion that unless some great, and, to me, unexpected revolution shall take place in the sentiment of the people of the free States, we can not with safety and honor continue the connection much longer. How and when it is to be severed depends upon them, not upon us. . . Let every man go to the polls with a deep sense of the importance of this election. Let him cast his vote conscientiously for the candidate to whom he may consider it safest to confide our destinies for the next four years, but let him do so without any bitterness toward his neighbor, who may differ from him, for they may, perhaps, soon be called on to act together under a common flag and against common enemies. For myself, I have neither the right nor the disposition to include my advice or to offer my counsels. My duty is to obey; to follow, not to lead. Whatever may be the mandate of Louisiana, I shall be found, as I have ever been, prepared to carry it out faithfully.

John Slidell . . . <sup>94</sup>

<sup>90</sup> *Weekly Delta*, September 22, 29, 1860.

<sup>91</sup> *Commercial Bulletin*.

<sup>92</sup> *Ibid.*, October 6, 1860.

<sup>93</sup> John Slidell to "Fellow-Citizens of Louisiana", in *Weekly Delta*, October 6, 1860.

<sup>94</sup> *Weekly Delta*, October 6, 1860.

But the enemies of Slidell resented his "manifesto," as they sarcastically termed it, because of its influence among the voters; yet they admitted that even with his great influence in New Orleans, he was not "biased in his views" and would not walk out of the Union merely on the defeat of his favorite candidate.<sup>95</sup>

Bell and Everett organs naturally claimed that their candidates would carry the State, but they were really confident of carrying the parishes of the First Congressional District and thought that they should reach the mouth of Red River with their "big majorities" from New Orleans and Jefferson unimpaired.<sup>96</sup> The papers of the two leading parties allowed their feelings to control them in their last minute appeals to the voters of New Orleans. The *Crescent* reminded the Union men of the city that they were relied upon "to meet the majorities of the upper Parishes," while the *Courier* of the same date—November 6—plead with the Irishmen to remember that the Bellmen and Douglasites fraternized upon all occasions and had "sprinkled the pavements with Irish blood and made widows and orphans of Irish mothers and daughters." Yet at the time this last appeal was uttered, the Democrats knew that the Irish were anti-slavery at heart.

The Mayor and Chief of Police of New Orleans made earnest preparations for an orderly election, which was to be held on November 6. Good order and quiet did prevail in the city notwithstanding the important questions at issue.<sup>97</sup> There were forty-seven polling booths distributed over the city and 10,861 votes were cast—yet not a single disturbance took place and not a quarrel was reported. This was quite contrary to the expectation of the inhabitants who, according to the *Daily Picayune*, of November 7, 1860, "awoke yesterday morning with the expectation of hearing of bloodshed and fearful riots around the polls. Very few ladies ventured, therefore, out of doors, and business was particularly dull on the principal streets."<sup>98</sup> The thanks for such order were due to the vigorous measures of the authorities who had taken steps to insure better conditions than had existed in previous elections.

<sup>95</sup> *Weekly Gazette and Comet*, October 13, 1860.

<sup>96</sup> *Weekly Crescent*, October 20, 1860; *Bee*, quoted in *Weekly Delta*, November 3, 1860.

<sup>97</sup> *Daily Crescent*, November 7, 1860; *Daily Picayune*, November 7, 1860; *Weekly Delta*, November 10, 1860. The *Delta* enthusiastically described the election as "the most peaceful ever held in New Orleans."

<sup>98</sup> *Daily Picayune*, November 7, 1860.

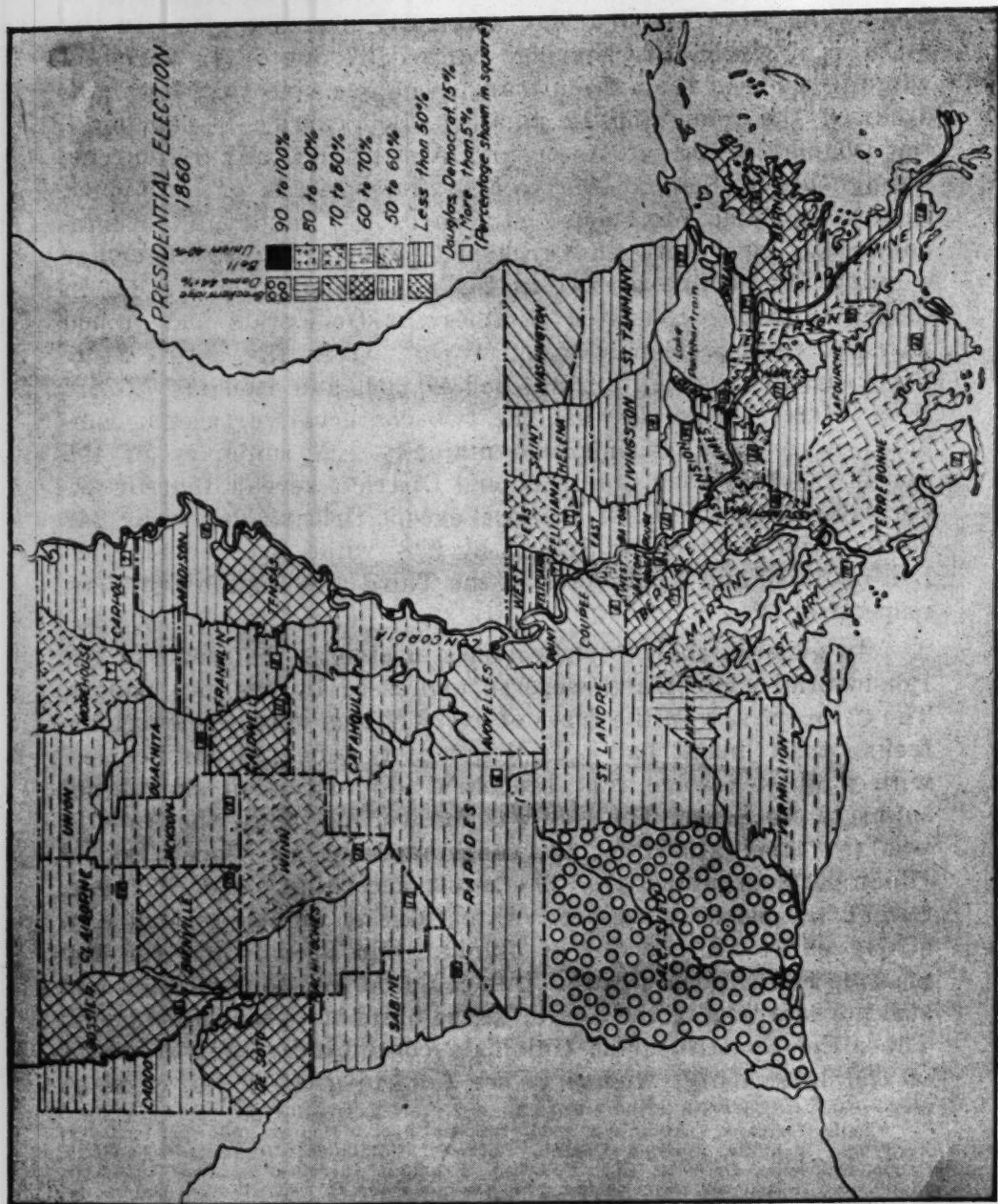
Full returns from the parish of Orleans gave Bell 5,215, Breckenridge 2,645, and Douglas 2,988; or a majority for Bell of 2,570 votes over Breckenridge and 2,217 over Douglas. In the State as a whole, Breckenridge carried 37 out of 49 parishes, winning some of them from margins of one vote to a few hundred. Of the remaining 12 parishes, Bell carried 9—leaving 3 for Douglas to carry: Ascension, Assumption, and Lafourche, strongholds of Soulé. The vote in the parishes of Catahoula, Claiborne, Caddo, Morehouse, St. Charles, St. Landry, and Terrebonne was close between Breckenridge and Bell; Breckenridge winning Terrebonne by 441 to Bell's 440 and Douglas's 84. In the other closely contested parishes the Democrats had gained parishes that previously voted Whig. Over the entire State Breckenridge received 22,681, Bell 20,204, and Douglas 7,625.<sup>99</sup> It is interesting to see that the two conservative tickets, combined, were in a considerable majority. A summary of the pluralites of the four Congressional Districts reveals that Breckenridge carried the First District, except Orleans Parish by 348 votes. Bell secured the Second by 998, while Breckenridge led Bell by 2,070 and 3,657 votes in the Third and Fourth Districts, respectively.<sup>100</sup>

In general, characteristic views existed as the result of the Presidential contest and were so expressed by the city papers. The *Crescent* saw in the faces of every citizen upon the street the feeling that "insult had been deliberately tendered our people," with a quiet resolve that Lincoln's administration should not suppress the South. The *Bee* was for waiting, while the *Bulletin* was for conciliation, yet for continuance of the Constitutional Union party organization. The result, according to the *Picayune*, taught the need of greater watchfulness, higher prudence, a strong effort for concord of opinion, and preparation for any possible event in the future. One could be true to the Union and still not less true to the South, in the opinion of the same organ. Thus, the Constitutional Unionists containing strong numbers of Old Line Whigs wished to see Lincoln given a fair trial as

<sup>99</sup>*Daily Picayune*, December 5, 1860. Breckenridge carried the following parishes: Avoyelles, Bienville, Bossier, Carroll, Caldwell, Catahoula, Claiborne, Concordia, Caddo, Calcasieu, De Soto, East Feliciana, Franklin, Iberville, Jackson, Lafayette, Livingston, Morehouse, Natchitoches, Plaquemines, Point Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. Landry, St. Martin, St. Mary, Tensas, Terrebonne, Union, Vermilion, Washington, West Feliciana, and Winn.

Bell carried East Baton Rouge, Jefferson, Madison, Orleans, Ouachita, St. James, St. John the Baptist, St. Tammany, and West Baton Rouge.

<sup>100</sup>*Weekly Delta*, November 24, 1860.



the legally elected President. They suggested that Southern States should convene and calmly agree upon "their own exposition of the rights under the Constitution which they deem expedient to their honor and safety."<sup>101</sup>

But the *Delta* declared that the tone of the last three papers was not an index to the sentiment of the large majority of the population. The interests of trade—North and South—were working to prevent the development of a sentiment in the city which would reflect its honor and true interests, according to this journal. In fact, it declared, "That sentiment is rapidly assuming a decidedly Southern tone."<sup>102</sup> Some of the country papers urged that the people wait and see what Lincoln would do when inaugurated.<sup>103</sup> Others echoed sentiments expressed by the city papers which favored their party.

The dominant political leaders of the State had felt that action toward secession should be taken if the election were decided in favor of the "Black Republicans." In fact, they saw that the result was determined before the people of the country deposited their ballots. Although a local victory had crowned the efforts of the regular Democrats and Soulé's insurrection was crushed, Slidell could see no probability of nor desire for preserving the Union, even were such within the power of the National Democrats.<sup>104</sup>

<sup>101</sup> *Daily Picayune*, November 13, 1860.

<sup>102</sup> *Weekly Delta*, November 10, 1860.

<sup>103</sup> *Weekly Gazette and Comet*, November 10, 1860.

<sup>104</sup> Slidell to Buchanan, New Orleans, November 11, 1860, quoted in Sears, *John Slidell*, 174.

(TO BE CONTINUED).



## EDITOR'S CHAIR

*By Henry P. Dart*

### **CAULFEILD'S THE FRENCH LITERA- TURE OF LOUISIANA.**

This is a history in English of a very fascinating feature of life in Louisiana. It is the production of years of research and of much hard digging. The book is by Miss Ruby Van Allen Caulfeild and it was printed in 1929 by the Institute of French Studies, Columbia University, New York. The author, whom we judge is a Louisianian, has made a substantial contribution to our knowledge on the subject. Miss Caulfeild divides her task into chapters entitled The Earliest Writings, The History, The Reflection of the History in the Literature, The Newspapers and the Literature, The French Organizations in New Orleans, The Poetry, The Novel and Short Story, The Drama and The Miscellaneous Writings, to which she adds an "Appendix-Bibliographies" covering much information not included in the chapters and this part of the book lists in Sec. B the Louisiana writers, with brief accounts of their work. We imagine this Roll of Honor will be eagerly consulted by the living authors and by the descendants of those whose names and achievements are thus preserved. It has, however, a more enduring value, because it preserves for us much useful information in a shape that does not exist elsewhere. This arbitrary division or classification of the subjects in the body of the book, would at first sight seem to tend to confusion for many writers worked in various elements of the French Literature of Louisiana, but this defect if it is one, is not serious and is offset by the General Index.

The author has confined her attention to The French Literature of Louisiana, that is, to writings in French produced by native authors, or authors of foreign origin, who spent part of their lives in Louisiana. That a body of such literature exists is one of the facts of our history. It was touched years ago by Prof. Alcee Fortier in his *Louisiana Studies* and his talented son, Edward Fortier, expanded the topic in his *Lettres française en Louisiane* and in his article in the *Cambridge History of American Literature* (Vol. 4). Miss Caulfeild says that she takes her "point of departure" from these works, but she has really gone further and covered the whole field of The French Literature of Louisiana. It would not be overstating the proposition to say that

she has not only rendered the earlier books superfluous but she has left the matter in a state of completion, so accurate and so thorough that it must for a long time and perhaps for all time, be the reference and source book on the subject.

Most of us are accustomed to think and to write in English, and to forget that French was once the language of Louisiana, and this state of mind leads us to overlook the survival here of thousands of people who still revere the mother tongue, who still find it at the root of their thinking processes, and who pass it on from parent to child, as an element of family life, as clearly an inheritance as the goods and chattels that fall to the children. For more than fifty years *l'Athénée Louisianais* has printed its *Comptes Rendus* to the edification of the members of that Society formed primarily to perpetuate the French language in Louisiana. It has incorporated thinkers and writers, and maintained itself in the appreciation of all who delight in literature. The extent of its success is witnessed by the rank it holds in the Bibliographies appended to Miss Caulfeild's narrative. Another organization, the *Causeries du Lundi* was formed in 1912 with the purpose of "encouraging and maintaining the French language in New Orleans." This is primarily a women's club, while *l'Athénée Louisianais* includes both sexes and has a further advantage over the *Causeries* in the preservation in print of the best work of its members. It is also to be remembered that there are many sections of Louisiana where the mother tongue is still the familiar language of the home, though everywhere English has made great inroads, especially with the generation of today.

After all has been said, however, this book shows quite unintentionally perhaps, that the literary expression of the people of Louisiana is no longer to be found in French. We have travelled a long way since Gayarre in 1828 felt it incumbent on him to write his famous *Essai Historique*, his first history of Louisiana, in the "language of the people" whom it concerned. In the nature of things this change was to be expected. Even had it been desirable, it would have been impossible to erect a levee of French to keep out the invading tide of English and on the whole, we have gained more than we have lost in becoming a member of the world of English speech, where our living lies and where our children find their future. We can track this recession through Miss Caulfeild's pages. The French newspapers of Louisiana prior to 1860 were as numerous as the leaves on the trees, they came

and went intermittently and were constantly suffering from lack of support. *La Courier de Louisiane* ran for fifty years, 1807-1860, having passed the interim in a series of climaxes and it was in fact dying when the Civil War gave it the mortal blow.

The *Courier* was ardently French and rendered a great service to the French writers of its period. It was a patron of Opera and of Literature. In its pages appeared the first efforts of Henri Remy, a historian of worth whose *History of Louisiana* remains unpublished because it was written in French and has never found a publisher or a translator. Here also appeared those exquisite papers of Cyprian Dufour, the *Esquisses Locales*, which the *Quarterly* will soon publish in translation—vivid portraits of the men who were doing literature, law and science in those old days. *L'Abeille de la Nouvelle Orleans (The Bee)* also ran nearly a century, (1827-1923). It was a powerful vehicle of French opinion and through its columns (as in the *Courrier*), much of the French literature of Louisiana found its audience, but after the close of Reconstruction (1877), it would have gone to its grave save for the support of the judicial advertisements in New Orleans under laws that compelled the publication of such matters in French and English. When this support was withdrawn, the paper lingered a while, lost its influence as an organ of public opinion and literally died because it had no financial support from the descendants of the people in whose ancient tongue it was printed.

Another French paper of the early period (*L'Orleanais*) suspended in April, 1858 "because (said the editors) they were located too far from the post office, the court house, the telegraph office and other commercial centers," and though the editors did not say it, we may say it for them, too far from the pocket book of those who desired to, but would not practically, perpetuate the French language. The story of these and other French journalistic adventures in Louisiana is briefly told by Miss Caulfeild and without full reference to the work of the *Quarterly* and particularly the painstaking and thorough papers by Mr. John S. Kendall in our own pages (See *Early New Orleans Newspapers, La. Hist. Qy.*, 12, 383; *The Foreign Language Press of New Orleans, La. Hist. Qy.* 12, 363).

The substance or general contents of this interesting book is entitled to more time and space than we can give it here. Excellence and concision are its dominant characteristics. No

writer small or great is overlooked and one has no hesitation in deciding that the achievement of this small army of writers has been equalled by the labor of the author in indexing their record in this convenient shape. She shows familiarity with so much of the writings, we are convinced she has also brought her mind to the double task of locating and of understanding the almost forgotten productions of our earlier years. The judgment she renders in her preface is also true of the French writers of Louisiana today:

"Most of them were occupied chiefly with other pursuits, and writing was only a pleasant recreation for them. This no doubt explains the fact that very few of them are known outside of Louisiana. Each one has, however, done his part toward creating a literature which, though still only a sectional literature, is the earnest, sincere and heartfelt expression of the love of a people for the country, the language, the customs and the traditions of its ancestors. Every form of writing was tried by the authors and history, drama, fiction, and verse appeared in many separate volumes, as well as in the newspapers and reviews of the time.

"Many who won distinction in prose have also written verse. Many who produced dramas, have also contributed lyric poems, while all contributed to the richness of the collection of this literature."

To which the editor of the *Quarterly* is tempted to add, that the landscape of the French Literature of Louisiana as it presents itself in this book, is decidedly a French scene. The English Literature of Louisiana of the same period seems to preserve the bolder aspects of the contemporary American landscape. Those who builded here may have missed the melody and the finish of the French metier but we have not been altogether out of fashion with our authors who found in that language the fittest expression of their thought, and one, who thanks to Miss Caulfeild's creation, may now enjoy the scenery of both, may well say that our busy producers in both languages have added to the enjoyment of life in Louisiana by this duality of craftsmanship.

✓RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA  
XLVII.

January-February, 1745.

(Continued from April, 1930.)

By HELOISE H. CRUZAT.

*Marginal Notes By Henry P. Dart*

**Memorandum by Editor of the Quarterly**

The hereinafter named officials participated in the Sessions and/or took part in the work of the Superior Council of Louisiana during the period covered by this Instalment of the Index, viz:

de Vaudreuil, Pierre Rigaud Cavagnol, Governor (Inducted into office May 27, 1743)	Fleuriau, Francois, Procureur General
Le Normant, Sebastian Francois Ange, First Judge and Commissaire Ordonnateur, successor to Salmon (Inducted into office October 24, 1744)	Barbin, Francois, Godefroy, Attorney for Vacant Estates
de Noyan, Gilles Augustin Payen, Lieutenant of the King	Henry, Nicolas, Notary and Clerk of Council (Greffier)
De Benac, Etienne, town major	Lenormand, Marin, Sheriff (Huissier)
Raguet, Jean Baptiste, Councillor	Salmon, Edme Gatien de, late Ordonnateur and First Judge
Prat, Jean, Councillor	Pradel, Jean Baptiste, former Marine Captain
Fazende, Jacques, Councillor	Rochémore, Vincent Gaspard Pierre de, (He came to Louisiana in 1744-5 as a Commissary for the voyage of the King's ship the flute l'Elephant. He returned to Louisiana in 1758, as Commissaire Ordonnateur under Gov. Kerleric)
La Freniere, Nicolas Chauvin de, Councillor	Potin, Bernard Louis, Notary at Pointe Coupee
Le Breton, Louis Cesaire, Councillor and Chief Secretary of the Marine, acting Controller of the Colony	Grandidier, Louis Melchior de Cadet in Karrars Swiss Regiment
Descloseux, Jean Baptiste Claude Bobé, Councillor and Judge of the Department of Marine at Mobile	

Jan. 2, 1745. No. 1027.  
3½ pp.  
*Judgments rendered by the Superior Council.*

\*This must have been an edict or order from France.

Prevost, agent of Widow Ralet vs. Barbin, Attorney for Vacant Estates.

Barbin, Attorney for Vacant Estates and of Dauseville, deceased, vs. Jacques

Prevost, agent of Massie, vs. Tarascon, et al.

Vincent vs. Petit.

Jan. 2.  
3½ pp.  
Prevost, agent, vs. Ferrand and Lorrain.

**Session of the Superior Council** of Jan. 2, 1745; where were MM. de Vaudreuil, Gov.; Le Normant, First Councillor; de Noyan, Lieut. of the King; de Bénac, Major; Raguet, Prat and Le Breton.

1. Order to file in Registry decree of April 24, 1744, and to post and publish where need may be, for execution in its form and tenor.\*
2. Jean Baptiste Prevost acting under pro-  
curation of Widow Ralet vs. Sr. Barbin,  
Attorney of Vacant Estates. On demand  
that account be rendered of succession of  
Sr. Couturier. Decision in favor of Barbin  
who is to be validly discharged of Cou-  
turier succession without regard to that of  
Dausseville. Costs on succession.
3. Between Sr. Avrillon acting under pro-  
curation of Marie Galerheau, widow of Ray-  
mond. . . (blank in text)
4. Between Sr. Barbin, Attorney of Vacant  
Estates in charge of succession of deceased  
Dauseville, vs. Jacques —, defendant;  
order to pay to Avrillon the sum de-  
manded, that Barbin be discharged for  
succession of Dauseville; Raymond suc-  
cession to bear costs.
5. Between Sr. J. Prevost under pro-  
curation of Joseph Massie, plaintiff, vs. Tarascon  
and other debtors, defendants. Council  
orders Ferrand to remit sums claimed to  
the plaintiff, and condemns Tarascon by  
default.
6. Between Dupré Vincent vs. Ignace Petit,  
defendant; Council adjourns the case.  
Costs reserved.  
Signed: Vaudreuil. Noyan. Benac.  
Bobe Descloseaux. Lafreniere. fazende.  
Raguet. Prat. fleuriau.

**Excerpt** from the Registers of the sessions of the Superior Council of Louisiana, on date of Jan. 2, 1745: Between Sr. Jean Baptiste Prevost, acting under pro-  
curation of Sr. Joseph Massan, merchant of La Rochelle, vs. Jean Fer-

**Superior Council  
orders seizure of  
sums due by  
third persons to the  
judgment debtor.**

rand and Jacques Lorrain, called Tarascon, defendants:

Seen by the Council the petition presented by Sr. Prevost on the ninth day of last November, ordered that sums due by one Poupart be seized in possession of Sieurs Ferrand and Tarascon who bought the merchandise owned by Massan and after the debt is paid therefrom the costs to be borne by Poupart. Detailed statement of debts and date on which they were made follows.

Signed: By the Council.

Henry, Greffier.

May 8, 1745. Notice of citation before the Council served on Tarascon by sheriff Lenormand.

March 2, 1746. Notice of citation before the Council on March 5th, served on Sr. Jacques Lorrain, called Tarascon, delivered to him in person by sheriff Lenormand.

Jan. 4.  
(25364)  
(3935)  
2½ pp.

Jean Baptiste  
Destrehan gives  
procuration to collect  
shares in succession  
of his father  
and mother.

**Procuration** in blank granted by Jean Baptiste Destrehan to collect all sums accruing to him from successions of his father and mother and of Sr. Jean Destrehan Sieur de Grandmaison, officer on the boats of the Company of the Indies, and other relatives who may owe him or said successions, to prosecute, seize, etc., and to have recourse to all legal means necessary, until revocation of this present. Passed at New Orleans.

Signed: Destrehan. Chantalou. Cantrelle. Henry. Document charred.

Jan. 4.  
(25367)  
(3936)  
fo. 27.  
2 pp.

Procuration by  
Salmon to  
Le Breton.

**Procuration** by Mr. Edmé Gatien de Salmon, Commissioner of the Marine, former Ordonnateur and First Judge of the Superior Council, to Mr. Louis Cesard (Césaire) Le Breton, Chief Scrivener (Secretary) of the Marine, acting as Comptroller in this Colony, whom he empowers to act for him during his absence in all cases of demand as well as claims, even on those he has not expressed himself, etc. Done and passed in the hotel of the Ordonnateur, Jan. 4, 1745, in the presence of Augustin Chantalou and Jacques Cantrelle.

Signed: Salmon. Cantrelle. Chantalou. Henry, notary.

Jan. 4.  
(25369)  
(3937)  
fo. 27.  
2 pp.

Acknowledgment of  
debt by Barbin  
to Salmon.

**Acknowledgment** by François Godefroy Barbin of his indebtedness to Mr. de Salmon, Commissioner of the Marine, former Ordonnateur in the province of Louisiana, who is about to leave for France, to the sum of 5600 livres, for negroes and negresses, piece d'Inde, sold and delivered to him by Mr. de Salmon, on which sum he obligates himself to pay 3000 livres in the course of the present year, in France or here, and the balance due next year, furnishing security for said payment by hypothecation of his movables and immovables particularly of the said slaves, whom he can neither sell nor alienate.

Signed: Barbin. Chantalou. Cantrelle. Henry, notary.

Jan. 7, 1747. Receipt to Sr. Barbin and discharge of all further indebtedness to Sr. Salmon on aforementioned slaves.

Signed: Le Bretton.

Right hand corner of document entirely eaten away.

Jan. 4.  
(25372)  
fo. 27.  
(3938)  
 $1\frac{1}{3}$  pp.

Rent of slaves  
for one year.

**Rent Lease** to Sr. Cartier, by Sr. Duruisseau, husband of Francoise Girardy, of two slaves for one year, for one hundred and twenty-four livres, payable at the end of the year, said owner to run no risks except that of natural death, in which case said Cartier will pay for them according to the appraisement.

Signed: j. Cartier. Cantrelle. j. Deruisseau. Chantalou. Henry, notary.

Right hand corner entirely eaten away.

Jan. 4.  
(25374)  
(3939)  
fo. 27.  
 $1\frac{1}{3}$  pp.  
Procuration.

**Procuration** in blank by Mathias Le Court to act for him in settlement of successions in which he may be an heir, to pay, receive, prosecute and discharge.

Signed: Louis Mathias Lecourt. Deprelle. Chantalou. Cantrelle. Henry, notary.

Document badly charred.

Jan. 5.  
(25378)  
fo. 27.  
(3941)  
2 pp.  
Procuration by  
J. B. Pradel.

**Procuration** by Me. Jean Baptiste Pradel, former Marine Captain, to \_\_\_\_\_, to obtain payment from heirs of Jean Baptiste Meynard, who left this Colony in 1729, whose debts he paid, as per collated copy hereto annexed.

Signed: Pradel. Chantalou. Cantrelle. Henry, notary.

Jan. 7.  
(25380)  
fo. 27.  
(3942)  
6 pp.

Marriage Contract  
Ricard-de Moyere.

Jan. 7.  
(25387)  
fo. 27.  
(3943)  
3 3/4 pp.

Procuration to  
collect two notes.

Freight receipt  
signed by Roche-  
more commissary,  
and Lemelle, captain  
of the l'Elephant  
which arrived in  
1744. See de Villier's  
*Les Dernieres  
Annees, de la  
Louisiane Francaise*,  
p. 127.

**Marriage Contract** of Pierre Ricard, resident of Pointe Coupée, son of deceased Sr. Jean Ricard and of deceased Marie Bayle, a native of Dalleman du dro, Bishopric of Agen, and Delle Marie Louise de Moyere, minor daughter of deceased St. Laurent de Moyere, when living, officer of the Marine, and of Dame Angelique Chartran, now wife of Sieur Francois Roujeot, employee in the office of the warehouse in this Colony, a native of the Natchez, Bishopric of Quebec.

Signed: Pierre Ricard. Marie L. Denoyers. Ef Roujote. JB Faucon Dumanoir. desponse Roujot. D'Aunoy. Trenaunay Chanfret. Avignon. Cantrelle. Chantalou. Henry, notary.

**Procuration** granted by Sr. Francois Lemelle, called Bellegarde (Captain of the King's ship l'Elephant) to Monsieur Bloquin, French Consul at Havana, Cuba; to receive from Mr. Grandjean, merchant of said city, a sum of 2020 livres due him by Sr. Gaillardy, ship Captain, now at sea, on his two notes, payable in currency of our Colony, at 50% loss of the piastres gourde money of Spain, following the King's decree of the 2d of last January. The sum of 2020 livres will be worth in Spanish money one hundred and seventy-seven piastres and a half and in consideration of the prolongation of two months from the declaration and publication the constituant may if he pleases invest this specie in his commerce in this Colony, and from this moment, protests against all that may cause a delay when payment falls due on account of damage and interest, wherefore he puts no limit to this procuration until its revocation.

Signed: Lemelle. Jahan. Chantalou. Henry, notary.

July 2, 1745. Acknowledgment of having received four papers concerning Mr. Gaillardy of which he promises to remit two collated copies.

Signed: Lemelle.

Jan. 8, 1745. Receipt for eight packages of deer skins which they promised excepting sea risks to deliver at La Rochelle, freight being paid, in faith of which have signed three bills of lading, etc.

Signed: Rochemore. Lemelle.

Funds transmitted  
by the ship l'Elephant to France.

Jan. 8, 1745. Certificate of having ceded to Mr. Olivier on funds to be embarked on the Elephant, addressed to Mr. Darcourt the sum of 800 livres on the same conditions.

Signed: Du Breuil & Dalcour,  
Associates.

Jan. 8.  
Accounting by  
Aufrere.

**Statement** of sales and receipts made by Aufrere proceeding from succession of deceased Sr. Dausseville from Jan. 8, to June 15, 1745. Credit and debit.

Jan. 8.  
(25393)  
fo. 27.  
(3945)  
1½ pp.

Procuration by  
Charles Frederic  
Darensbourg to collect his allowance  
in France.

**Procuration** in blank by Mr. Charles Frederic Darensbourg, for collection of two hundred and fifty livres granted to him by His Majesty on his private purse, to receipt for same, and to give valid discharge.

Signed: Darensbourg. Chantalou. Cantrelle.  
Henry, Nry.

Jan. 8.  
(925391)  
fo. 27.  
(3944)  
2 pp.

Procuration from  
Widow Marin to an  
officer of the ship  
l'Elephant to settle  
her late husband's  
affairs in  
La Rochelle.

**Procuration** granted by Elizabeth Real, widow of Sr. Francois Marin with whom she was in community of goods, to Jean Pierre Avrillon, officer on the vessel "l'Elephant," said Procuration approved by Sr. Francois Goudeau, undertutor of her son, Francois Marin, to have account rendered by Sr. Polycarpe Bourgine, ship owner of La Rochelle, and others in business with deceased Francois Marin of what remains in their hands as well as of the succession of Sr. Francois Marin, all of which Sr. Avrillon is empowered to collect in order to place said minor in a suitable place and to give him the necessary education, otherwise to have him returned to Louisiana.

Signed: F. Goudeau. Cantrelle. Chantalou.  
Henry, notary.

Upper right hand margin eaten away.

Jan. 9.  
(25401)  
fo. 27.  
(2947)  
1½ pp.

Acknowledgment of  
debt by Grandidier of the  
regiment of Karrer.

**Obligation** to MM. Dupres and Bonneterre by Grandidier, of the Regiment of Karrer, to the amount of 6237 livres, 11 sols, which he promises to pay on his arrival in France, furnishing mortgage security on his movables and immovables, establishing his domicile in Paris, St. Honoré Street, St. Roch parish.

Signed: Louis Melchior Grandidier.  
Chantalou. Cantrelle. Henry, notary.

- Jan. 9.** **Contract** between Sr. Germain and George Cappo, cooper, for hire of a negro cooper, to help him in his trade, during two years on clauses and conditions enumerated in agreement.  
*Several papers from Pointe Coupée.*  
**No. 5.**  
**1 p.**  
*Contract for hire of negro for two years.*
- Slip.** Signed: Nicolas provost, witness. Cappo. pontalba, witness. witness +.  
**May 10, 1746.** Certificate that the sum of 48 livres was handed to Mr. Courtablos to remit to Sr. Cappo at Pointe Coupée.
- Slip.** No. 6. Signed: la Creilly.  
**Nov. 29, 1745.** Promissory note for 5 sols. Signed: francois.
- Slip.** Dec. 28, 1745. Acknowledgment of indebtedness of 2 livres, 10 sols, to Mr. Cappo, payable on his order.  
**Slip.** Signed: Martinbing.  
**Dec. 31.** Good for a bottle of brandy, payable to Mr. Cappo, on receipt of Mr. Belhumeur, signed: françois.
- Slip.** March 26, 1745. Receipt to Mr. Cappo for 60 livres donated to the church.  
**Slip.** Signed: pere duroché.  
**No. 2 B.** Receipt for 63 livres received from Mr. de Pontalba for debt due to succession of deceased Joseph duplechin for which he is given full discharge at Pointe Coupée, this 8th of February, 1747.  
**No. 4 D.** mark of J. Bte Rabalay.+  
**1 p.** "Potin" f Remy  
*Germain and wife promise to deliver young negro three years hence, as a gift to their godson Pierre Cuvillier.* witness.
- Dec. 13, 1745. In the presence of Potin, notary and acting as clerk at Pointe Coupée. Piere Germain and Mariane Cheval, his wife, obligate themselves to give to Pierre Cuvillier, his godson, a young negro named Soulé, whom they promise to deliver Jan. 1, 1748, to assist in their work and to obey them in all things, said Cuvillier to enjoy the said negro as belonging to him. Piere Germain declared that he could not write nor sign and made his mark at Pointe Coupée, on the above day and year.  
 Signed: Potin, notary.
- Jan. 9.** **Annulment** of act of partnership for Mobile public works between Mr. Claude Joseph Du-breuil, senior, contractor of buildings and fortifications for the King, and Sr. Joseph (25395)  
(2946)  
3 pp.

See Jan. 9, 25397.  
Dissolution and  
settlement of  
partnership.

Between Claude  
Joseph Dubreuil and  
Joseph Duruisseau  
for the work on the  
public buildings and  
fortifications of  
Mobile.

Duruisseau, acting for his wife, Marie Françoise Girardy, previously widow of Joseph Milon, former partner of Sieur Dubreuil, who is indebted to succession of said Milon for the sum of 183 livres, 9 sols, 9 deniers, which remained on division of a flat boat, and 100 quarters of pitch, which will be sold for profit of said Dubreuil and Milon succession. Sr. Duruisseau cedes and abandons to Sr. Dubreuil seven or eight hundred palissades of red cedar, left in Mobile, appraised at 1500 livres, and about eight to ten thousand bricks appraised at 250 livres and stone likewise worth 250 livres and the land of the brick kiln, appraised at 200 livres, the whole being the property of Sr. Dubreuil without the Milon succession having any pretensions whatever thereon. All the iron remaining in Mobile such as tools, axes, etc., belongs to the Milon succession as agreed. (This is a collated copy from the minutes which not being signed by Sr. Dubreuil is defective, this present to serve only as memorandum for Sr. Duruisseau.)

Signed: Henry, notary.

March 22, 1751. Request by Sr. Dubreuil that Sr. Henry issue another act ending the partnership between deceased Milon and Dubreuil, the whole having been consumed and finished in paying the debts. Sr. Duruisseau having received nothing from the said partnership which is clear on both sides.

Signed: Du Breuil.  
Deruisseaux.

(25399)

Unsigned copy of a request to Mr. Henry to have a copy made of the act of tutorship ad hoc by which Sr. Joseph du Bayon was appointed to defend the Milon minors against Sr. Deruisseaux, their tutor, and to have it ready as soon as possible to use as a report to the Council.

Jan. 9.  
(25397)  
fo. 27.  
2 pp.

Division of additional  
assets belonging to  
above partnership.

Appearance before notary of Sr. Claude Joseph Dubreuil, contractor of buildings and fortifications for the King, and Joseph Deruisseaux, husband of Mariane Girardy, widow of Joseph Milon, former associate of Sr. Du Breuil; they proceeded to annulment of partnership between Sr. Du Breuil and Joseph Milon, deceased, Sr. Dubreuil being indebted to Milon succession to the sum of 183 livres.

9 sols, 9 deniers, which Sr. Deruisseaux has accepted as Milon's share on the brigantine as it stands; the quantity of one hundred quarters of pitch, which will be sold for profit of Du Breuil and Milon heirs, Sr. Deruisseaux cedes and abandons to Sr. Du Breuil 800 red cedar palissades, worth 1500 livres, and from eight to ten thousand bricks, valued at 250 livres, and the lot and brick-kiln appraised at 200 livres the whole recognized as the property of Sr. Du Breuil, the Milon heirs having no claim thereon as agreed.

Signed: Deruisseaux. Chantalou. Saucier. Henry, notary.

Document charred.

Jan. 10.  
(25403)  
fo. 27.  
(3948)  
2½ pp.

Acknowledgment of debt by Le Bretton to Salmon for purchase price of 28 slaves.

Jan. 10.  
(25406)  
fo. 27.  
(3949)  
2 pp.

Procuration by Louis Melchior Grandidier, Cadet in Karrer's Swiss regiment, garrisoned in Louisiana, to Marguerite, his sister in Paris to collect salary, etc.

Jan. 10.  
(25409)  
fo. 27.  
(3950)  
3 pp.

**Obligation** to Mr. Salmon, by Mr. Le Bretton to the amount of 22000 livres in money of France or current specie of the Colony for twenty-eight negroes, which sum, Sieur Le Bretton obligates himself to pay in three payments, within three years furnishing mortgage security for same on his movables and immovables.

Signed: LeBretton. Chantalou. Cantrelle. Henry, noty.

Upper right hand corner eaten away.

**Procuration** granted by Louis Melchior Grandidier, Cadet in the Swiss Regiment of Karrer, garrisoned in the Colony of Louisiana, to Delle Marguerite Grandidier, his sister, who has attained her majority, residing in Paris, Rue St. Honoré, Parish of St. Roch, to receive from the Treasurer of the Marine or whoever is committed to that purpose, his salaries from the said office and other movables and immovables of Sr. Semerio, recognized since 1743, as his legitimate property, principal, payments in arrears, interest, etc., from succession of Dame Louise Magdeleine Garet, mother of said constituent.

Signed: Louis Melchior Grandidier. Chantalou. Cantrelle. Henry, notary.

Upper right hand corner eaten away.

**Procuration** by Joseph Dubrocq (blank) whom he empowers to prosecute Sr. Charles Dubrocq, his elder brother, captain of a merchant ship, residing in the city of Bayonne to obtain the goods of said constituent coming to

Procuration.  
by Joseph Dubrocq  
for use in  
Bayonne France.

him from successions of his parents, and for sales and division between heirs without reserve or limitation, and likewise all movables and immovables which may come from said successions desiring that all returns may be converted into specie, willing and intending that the person holding his procuration be not limited in his powers even in unforeseen cases until revocation of the present procuration.

Signed: Dubrocq. Jahan. Lenormand.  
Henry, notary.

Jan. 11.  
(25414)  
fo. 27.  
fff.  
(3952)  
1 p.

Drafts received by  
Henry, notary, for  
account of Despres.

**Declaration** by Després: Sr. Henry, notary and Greffier, acknowledges having received order for 10,000 livres drawn on Mr. Jaham Plainvat, on date of next December; another order drawn on Sr. Geneville, payable in April, 1744; moreover, another order (Mandat) for 99 livres drawn by Mr. Mawane in favor of Mr. Luny, which sums I shall credit to Mr. Després when payment falls due. Made in duplicate at St. Pierre, April 4, 1743. Collated copy drawn in the moment for Mr. Despré Jan. 11, 1745.

Signed: Desprez. Henry, Greffier.  
Upper right margin eaten away.

Jan. 13.  
fo. 27.  
(25417)  
(3954)  
1 p.

Acknowledgment of  
debt payable in  
gold or silver  
current everywhere.

**Obligation** by Charles de Lavergne to Pierre Ancelain to the sum of 4500 livres in gold or silver specie, current everywhere, which said de la Vergne promises to pay one month after his return to this Colony furnishing mortgage security on his movables and immovables in the presence of Sr. Augustin Chantalou, Jacques Cantrelle, witnesses residing in New Orleans.

Signed: Henry, notary.

Receipt for above document signed: Ancelain.

Two unfinished lines at lower margin of document, which is torn in the upper part with ragged margins.

Jan. 14.  
(25423)  
f.  
(3957)  
1 1/2 pp.

Acknowledgment of  
debt by Grandidier.

**Obligation** to Sr. Boisseau for 700 livres in silver by Louis Melchior Grandidier, who promises to pay said sum on his arrival in Paris, Rue St. Honore, furnishing mortgage security on his movables and immovables.

Signed: Louis Melchior Grandidier.  
Chantalou. Cantrelle. Henry, Greffier.

Jan. 14.  
(25421)  
fo. 27.  
(3956)  
2 pp.

Agreement.

**Agreement** between Coussot and Cartier.

Signed: Cartier. Cantrelle. Chantalou.  
Henry, notary.

Document so badly charred that half of it  
cannot be read.

Jan. 18.  
4 pp.

Petition by Captain Charles LeRoy to be released from responsibility for acts of his associate Gerard Fitz Maurice, and for annulment of judgment in the case of Gausne de Montlouis against said petit oner.

**Petition** to the Superior Council by Charles Le Roy, Captain of a merchant ship now in this Colony, stating that in error he had been held responsible for acts of his associate, Gerard, towards Sr. Gausne de Montlouis. The conditions on which the King engaged him should protect him against all claims of Mont Louis of which he could have no knowledge; Secondly the partnership can be dissolved only at the Cape on return voyage (which was executed by petitioner). Among other things he asserts that the "religion and justice of the Council must have been surprised" in holding him responsible for Gerard, contrary to the agreement, and the transaction in sentencing him to pay the sum of 28000 livres. That his share and interest in the ship amounts to the sum of eleven thousand and a few hundred livres. If the sentence is enforced in full the petitioner will be reduced to abject misery, he therefore prays that the Council allow him to protest against decree rendered between him and the Sr. de Mont Louis.

Signed: Charles Le Roy.

Jan. 18. Let citation be issued. Lenormant.

Jan. 18. Notice of citation served on Sr. Charles Le Roy and on Sr. J. B. Prevost, holding procurement of Sr. Gausne.

Signed: Lenormand.

Notice of citation.

Document in support of foregoing petition.

April 27, 1742. In consequence of transaction before notary between Charles Le Roy, Girard Fitz-Maurice and Sieur Gausne de Mont Louis, attorney of Vacant Estates, at Cap Francois, Island of Santo Domingo, Sr. Girard Fitz Maurice took charge of the cargo of two ships in partnership with the others for one third of what Sr. Mont Louis had in the schooner excepting loss due to risks and perils of the sea after account settled of said partnership. Made in duplicate in New Orleans

Signed: Girard Fitz Maurice.

Jan. 19.  
(25418)  
fo. 27.  
(3955).  
2½ pp.

Agreement of Bequet  
with Caillier, where  
the latter promises  
to plow, sow, reap  
and cut hay and  
work in a smithy  
and as rower, for  
one year to Illinois.

**Contract** between Antoine Caillier and Jean Baptiste Bequet to plough the ground, sow, gather, reap and cut hay, tilt and cart it, and to work with Caillier's son in the smithy whilst waiting to cut the hay, or at other work, such as rowing in the voyage from here to Illinois, agreeing to all the usual work of hired journeymen, said Bequet to furnish to said Caillier board during the time he will remain with him. The contract being made for one year for the sum of 500 livres. ("I say") three thousand weights of good flour which said Bequet will deliver in kind at Illinois. Ordinary clauses and conditions enumerated as to sickness, breaking of contract, etc. Caillier declared that he did not know how to write nor sign.

Document signed: Becquet. Chantalou.  
Cantrelle. Henry, notary.

Document slightly charred.

Jan. 19.  
(25429)  
fo. 27.  
(3959)  
2½ pp.

Lease of house and  
lots, corner Bourbon  
and Toulouse streets,  
for 3 years, at 80  
piastres Spanish  
money per year.

The word Ban-  
quette in the  
original (translated  
sidewalk) shows  
that it was in  
general use in 1745.

**Rent Lease** of three lots with house thereon, corner Bourbon and Toulouse streets by Sr. Claude Reynaud, called Avignon to Gilbert Cacadier Dusigne for three years, said lease ending Jan. 20, 1748, for the sum of eighty piastres of Spanish money per year, payable every six months; on usual obligation for the tenant to return house in same condition and to see to up-keep of sidewalks (in text "Banntettes").

Signed: Dusigne. Avignon. Chantalou.  
Henry, notary.

Jan. 19.  
(25432)  
fo. 27.  
(3960)  
2 pp.

Procuration by  
Michel Chamblly de  
Rouville, Marine  
Cadet in La.

**Procuration** in blank by Mr. Michel Chamblly de Rouville, resident of New Orleans, son of Mr. Jean Baptiste de Rouville and of Dame Marianne Bodouin, Marine Captain in Canada, when living, a resident of L'Isle Royale, Canada. Sr. Michel, Sr. de Chamblly, Marine Cadet in Louisiana, having lost a brother, Sr. Joseph de Chamblly de Rouville, in this Colony, to whom he had given his procuration being under age, has issued another to have account rendered by Sieur Garbois of all that may have come to him from successions of his father and mother, hereby annulling all other procurations he may have granted.

Signed: Chamblly. Cantrelle. Chantalou.  
Henry, notary.

Jan. 20.  
(25434)  
ff. E.  
(3961)  
2 pp.

*Receipt by Sr.  
Dubuisson to  
brother-in-law for  
share of his wife in  
her mother's  
succession.*

Jan. 20.  
2 pp.

*Petition by Coulleret  
and Negle, butchers,  
to recover money  
due them.*

Jan. 21.  
fo. 27.  
(25436)  
(3969)  
2 pp.

*Sale of two negroes  
at Cannes Bruslées.*

Jan. 21.  
(25436)  
(3963)  
1½ pp.  
*Sale of plantation  
at Pointe Coupée.*

Jan. 24.  
No. 1029.  
f . f.  
3 pp.

**Receipt** tendered to Bernard Alexandre Vielle, by Sieur Guillaume Dubuisson for the sum of four thousand and fifty-four livres, five sols and nine deniers, accruing to his wife, Ursule Trepagnier, from the succession of her mother, according to account of tutorship rendered by Sr. Joseph Lassus de Marsilly, her stepfather, wherefore said Dubuisson has discharged his brother-in-law, B. A. Vielle for all his wife's rights in said succession.

Signed: Dubuisson. Trepagnié dubuisson. Alexandre Vielle. Chantalou. Cantrelle. Henry, notary.

Upper margin missing.

**Petition** to Superior Council by Francois Boyer, Pierre Coulleret and Jacques Negle, associated butchers, for citation of one Millet, in charge of their business, to compel him to pay 948 livres, 14 sols, remainder of the account and two orders. (No signature).

Order of citation issued. Signed: Lenormant.

Jan. 21, 1745. Notice of citation served on Sr. Millet in person by Sheriff Lenormand.

**Sale** of two negroes by Sr. Joseph Blanpain, settler at Cannes Bruslées, to Jean Perret, also a settler in the same place, for the sum of three thousand four hundred livres, Colonial money, which Perret paid cash.

Signed: blanpain. Cantrelle. Chantalou. Henry, notary.

**Sale** of plantation at Pointe Coupée by Sieur Mathieu Gruel, with consent of Julienne Gaignard, his wife, to Sr. Jean Balquet for the sum of 500 livres, which was paid cash. The plantation measures four arpents and a few perches on the river by ordinary depth, with buildings and fences, adjoining land of Mr. de St. Onge on the upper side and descending the River, that of Sr. Riche and previously to Sr. Albert.

Signed: gruel. Balquet. Potin.

**Last Will** and testament of Jean Merle, called Grand Jean, employed in the King's warehouse of this City, who died at the residence of deceased Jean Caron. After leaving fifty

Notarial last will  
and testament of  
Jean Merde,  
deceased.

piastres to the church, he institutes as his universal legatee, his ward, Marie Jeanne Caron, daughter of Jean Caron and Anne Monique, both deceased, his goddaughter, for the good services rendered him formerly by her parents, and naming his friend George Tesson as his testamentary executor. He declared that he is a native of Savoy; that he possesses four thousand and fifty-eight piastres which are in his chest, near his bed, the key of which he has intrusted to said Tesson, here present who has accepted the charge, before witnesses. He was unable to sign owing to his great weakness.

Signed: j Sautide. Cariton. Henry, notary.  
Notarial copy of said will certified by  
Henry, noty.

Jan. 24. Affixing of seals on effects of Jean Merle, called Grand Jean, laborer in the King's warehouse, by Jean Baptiste Raguet, Councillor in the Superior Council of Louisiana in the presence of the Procureur General of the King and of the Clerk of the Council (greffier), and inventory taken of all that was in evidence and of his slaves, all of which was left in charge of George Tesson who promised to produce them when called on to do so.

Signed: Tesson. fleuriu. Raguet.

Jan. 27. George Tesson, resident of New Orleans, files petition to declare Jean Merle's will good and valid and as the seals were affixed on demand of the Procureur General that his chest and effects be remitted to said Tesson as testamentary executor after raising of the seals, and that after inventory taken a tutor be appointed to the minor legatee as her tutor is dead and that he, the undertutor cannot serve on account of his being testamentary executor, as it would cause discussions.

Signed: Teson.

Order to communicate to the Procureur General of the King.

Signed: Lenormant.

February 6. Demand by the Procureur General that the will of Jean Merle be executed in its form and tenor, and that it be proceeded with a commissioner to be appointed for that purpose and to proceed to the election of a tutor to the minor legatee, Marie Jane Caron.

Signed: fleuriu.

(1028)

f.

4 pp.

Affixing of seals on  
decedent's effects.

3 pp.

Petition of test-  
amentary executor  
to appoint tutor to  
successor former tutor,  
who died and to  
relieve him of his  
duties as under-  
tutor.

Demand of Pro-  
cureur General that  
will be executed and  
proceedings instit-  
uted to appoint  
tutor.

3 pp.

**Decision of Council  
on petition as  
testamentary  
executor to homologate  
will, recognize  
the universal legatee  
and appoint a tutor  
and an undertutor.**

**Council orders  
Attorney of Vacant  
Estates to receive  
and hold inheritance  
as decedent is classed  
as an alien.**

**Tesson declares  
decedent cannot be  
classed as alien,  
having been in the  
King's service for  
twenty-five years.**

**Report of family  
meeting which  
elected Tesson as  
tutor and Lemelle,  
undertutor.**

Feb. 6. Demand by George Tesson as testamentary executor for homologation of will of Jean Merle, instituting Jeanne Caron as universal legatee in order to proceed to election of tutor and undertutor to minor legatee. Jean Merle being a Savoyard should have made a declaration of naturalization though employed in the King's service since twenty-five years, but since the legacy is made in recognition of services rendered the testator by parents of legatee and that his wages amounting only to 360 livres a year and would not have sufficed for his support without the kindness of the aforesaid Jean Caron and Anne Monique, his wife. The Council though it had suspended homologation of will, on demand of the Procureur General of the King orders the Attorney of Vacant Estates to receive the inheritance acting as Attorney of Alien Estates, goods to remain in his care until further orders. Costs reserved.

Signed: By the Council.  
Henry, Greffier.

Feb. 6. In decisions of Superior Council of this date on petition of George Tesson as testamentary executor of Jean Merle, called Grandjean, for homologation of his will, pleading that Savoy was formerly subject to France and that deceased cannot be classed as an alien though he neglected to declare his letters of naturalization, as he labored for the King and the Company during twenty-five years. He prays that seals affixed on his goods be raised after inventory before tutor and undertutor of minor heir, before the Procureur General and the Attorney of Vacant Estates acting as Attorney of Alien Estates who will have the goods in charge until further orders.

Feb. 9. Report on meeting of relatives and friends who have elected George Tesson as tutor to Marie Jeanne Caron and Lemelle, called Bellegarde as undertutor and on their acceptance and oath, homologation of their election.

Signed: Tesson. Lemelle. f. Roujot.  
Brantan. Dumas, Guesnon. Raguet.  
Fleuriau.

Feb. 8, 1745. Notice served on relatives and friends of Marie Jeanne Caron to attend meeting to be held in the house of the Attorney General of the King on Royal Street.

Signed: Lenormand.

(Inclosed in previous document.)

Feb. 11. Inventory made after decease of Jean Merle, called Grandjean. Covers twenty-seven pages.

Signed: Lemelle. Lenormand. Barbin.  
Raguet. fleuriau.

No. 1034.  
6 $\frac{1}{3}$  pp.

Inventory of goods of succession of deceased Jean Merle, called Grandjean, taken on demand of Sr. Nicolas Godefroy Barbin, before Councillor Jean Baptiste Raguet, Commissioner on this case.

Signed: Tesson. Lenormand. Barbin.  
Raguet. fleuriau.

Jan. 22.  
2 pp.

Petition for appointment of tutor and undertutor to minor heirs of Mrs. Lerable.

**Petition** to Superior Council by Laurent Lerable for election of a tutor and undertutor to the minor heirs of deceased Mrs. Lerable, previously married to La Prade and later to Laurent Lerable, wherefore he prays that relatives and friends may be called to advise thereon.

Signed: Laurens Lerable.

Jan. 22. Order to communicate to Procureur General. Signed: Lenormant.

Jan. 22. Demand of Procureur General that a meeting be called of relatives and friends of minor heirs of Angelique Girardy by both her marriages and that they proceed to election of a tutor and undertutor to said minors.

Signed: fleuriau.

Jan. 22. Order by Councillor Raguet that such meeting be called and that they appear in our office to-morrow at 9 A. M.

Signed: Raguet.

Jan. 23. Notices served on Sr. Girardy, resident of Bayou St. John; on Francois Le mesle, called Bellegarde, resident of New Orleans; on Sr. Saucier resident of Cannes Bruslées; on Sr. Chenier, resident of New Orleans; by Sheriff Lenormand.

Jan. 23. Report of family meeting called to elect a tutor and undertutor to minor heirs of Angelique Girardy; Sr. Laurent Lerable elected tutor and Sr. Joseph Girardy, their grandfather, undertutor and having accepted

Meeting ordered  
to be held.

Service of notices  
to attend same.

Report of family  
meeting called to  
elect tutor and  
undertutor.

the charge and taken the customary oath the appointments were homologated.

Signed: J. b. Saucier. Laurent Lerable. Chenie. Langlois. Lemelle. Gonzale. fleuriau. Raguet. Henry, Nty.

1 p.

Petition of tutor  
to take inventory in  
presence of under-  
tutor and relatives.

Inventory ordered  
taken.

No. 1030.

12 pp.

Inventory of  
said estate.

Jan. 23. Petition to Superior Council by Laurent Lerable stating that having been elected tutor of the La "Pade" minors and of his own son Laurent Lerable, Jr., he prays that inventory may be taken of their goods in the presence of the undertutor and of their relatives and friends so that he may render account to said minors and proceed to division of same, after complying with prescribed formalities.

Jan. 23. Order to proceed to inventory of goods of minors in the presence of the Procureur General and of the undertutor of the minors.

Signed: Raguet.

Jan. 25. Inventory on behalf of La Prade and Lerable minors on request of their tutor, Laurent Lerable. By Angelique Girardy's marriage to La Prade there remain four heirs: Angelique, Louise, Catherine and Louis La Prade; from her marriage to Lerable there is one son named Laurent, aged about four years. Jean Baptiste Raguet, Councillor in the Superior Council and Commissioner on this case accompanied by the Procureur General and the Clerk of the Council and Le Normand, huissier, went to a house on Royal street where they found Laurent Lerable and Joseph Girardy who presented all the goods of the said succession, those in community with Le Prade and those in common with Lerable and they proceeded to inventory, appraisement, enumeration and description of same, covering furniture, crockery, kitchen ware, bed clothes, mirrors, chimney ornaments, house linen, wearing apparel, chest containing children's clothes, provisions, papers, lots and improvements thereon, slaves, list of passive and active debts.

Signed: Laurens Lerable. Lemelle. Chantalou. fleuriau. Lenormand. Raguet. Henry, greffier.

Two bills, one of 1741, and one of 1742, certified by Voisin, on Jan. 24, 1745.

Jan. 25.

Procuration by  
Mrs. Charlotte  
Dauterive, widow  
of Rene Dauterive,  
Town Major of N. O.

**Power of Attorney** of Dame Charlotte Bossua, widow of Messire René Dauterive, Major at New Orleans, to Mr. Alexis Diederik, Officer in Swiss troops, for collecting 11000 francs from Mr. Louis Le Breton, Chief Clerk of Marine and other items on account.

N. O. Dec. 28, 1747. Mr. Charles Delalande, guardian of minor grandchildren of aforesaid widow, now deceased, certifies that Mr. Alexis Diederik paid all claims in question amounting to 12050 francs in equivalent Spanish dollars, but failed to obtain his discharge from Dame Charlotte before her decease. Discharge is herewith supplied.

Jan. 26.  
(25440)  
fo. 27.  
(3964)  
1½ pp.

Sale of 19 slaves by  
Jean Jacques Delfau  
de Pontalba, officer  
of infantry, sta-  
tioned at Pointe  
Coupée.

**Sale** of nineteen slaves (Negroes and negress) under private seal by Sr. Jean Jacques Delfau de Pontalba, officer of infantry, stationed at Pointe Coupée, acting as widower of Louise Etienette de Malbec first married to Sr. Charles Petit de Livilliers and as tutor of de Livilliers minors. The slaves were sold to Piere Delisle Dupart on June 9, 1741, for the sum of 21500 livres, payable in two payments in Colonial money which Sr. de Pontalba acknowledges having received Jan. 12, 1744, and he hereby discharges Sr. D. Dupart from all further indebtedness.

Signed: pontalba. Chantalou. Lenormand.  
Henry, notary.

Upper right corner eaten away.

Jan. 26.  
(25446)  
fo. 27.  
(3965)  
1½ pp.  
*Sale of negro.*

**Sale** and delivery of a negro, piece d'Inde, by Sr. Pierre (Gruillard), called La Pierre to Urbain Picou and his wife Marie Joseph Lormaison for the sum of 1800 livres, colonial money, said negro having been sold by Sr. Antoine Aufrere eight years ago as per certificate here inclosed.

Signed: Cantrelle. Chantalou. Henry,  
notary.

Slip.  
(25448)

Jan. 26, 1745. Certificate signed Aufrere that the said negro, called l'Eveillé, and his wife, Isabelle, were sold to Pierre Gruillard eight years ago, paid for in cash, the receipt having been lost or mislaid, wherefore he furnishes said certificate to serve and avail as need may be.

Jan. 26.  
(25457)  
fo. 27.  
f.f.f.  
(3970)  
1 p.  
*Deposit of adjudicated price of negro and negress.*

*Receipt covering above adjudication.*

Jan. 28.  
(25453)  
fo. 27. f.  
(3968)  
2 pp.

*Charge of assault and request for intervention of Procureur General.*

Jan. 28.  
(25455)  
fo. 27. f.  
(3969)  
2 pp.

*Mutual donation between spouses.*

**Deposit.** Acknowledgment by Henry, Clerk of Council (greffier) of having received from Pierre Delille, called Dupart, the sum of two thousand four hundred and sixty livres, in 196 piastres, and six reals\* at the rate of 12 livres, 10 sols, following the declaration of the King, posted in this Colony on the 2d instant by which declaration he diminishes the specie by three fifths, said deposit to pay for negro and negress adjudicated from succession of Bequet to Dupart. Marie, his wife, declared that she did not know how to sign.

Signed: Dlle Dupart. Henry, greffier.  
\*A real was worth  $\frac{1}{4}$  of a franc — 5 cts.

March 8, 1745. Receipt by Marie Vanne Bequet now wife of Thomas, called Jourdain to notary undersigned for payment of one hundred and ninety-six piastres and six reals for which they give full discharge.

Signed: Barbin. Chantalou.  
Upper right corner eaten away.

**Complaint** made in Registry by Sr. Charles Lemoine, cabinetmaker associated with Mr. de Monberaud, against a negro named Raphael and his wife Fanchon, who attacked him and insulted him without cause, and had him followed and pelted by their children, the eldest of whom is sixteen years old, and as he often has to work near them on a conveyance he makes the foregoing declaration asking for interposition of the Procureur General of the King.

Signed: Le Moine.

Act passed of said declaration.

Signed: Le Moine. Henry, notary and greffier.

**Mutual Donation** of their property made by Thomas, called Jourdain, resident of Pointe Coupée, and Marie, his wife, widow of Bequet, as they married without contract of marriage as they had no children on either side, and that all their goods are acquests, each leaves to the last survivor all that he may die possessed of. Both declared that they did not know how to write nor sign, wherefore inquiry, as per ordinance.

Signed: Cantrelle. Chantalou. Henry, notary.

Document badly charred and stained.

Jan. 28.  
(25451)  
fo. 27. f.  
(3967)  
2 pp.

Receipt for negro.

**Receipt** tendered by François Rivard, son of Antoine Rivard and Marie Dreare, both deceased, to Dame Antoinette Fourrier, widow of Sr. Francois Henry de Mirbaize, Ecuyer Sieur de Villemont and by a second marriage, widow of Sr. Antoine Rivard, for a negro, piece d'Inde, worth 700 livres as his share by account of division of July 7, 1736, for which he gives full discharge.

Signed: rivard. Cantrelle. Chantalou.  
Henry, N. Two other signatures eaten away.

Jan. 28.  
(25449)  
fo. 27. f.  
(3966)

Acknowledgment  
of debt.

**Acknowledgment** by Paul Malet, a journeyman and his wife, Marie Jeanne Barre, of their indebtedness to Sr. Pierre Ancelain to the amount of one thousand and fifty livres in silver, currency of France, or two hundred and ten piastres in Spanish money, which they promise to pay in the course of the present year, Paul Malet furnishing mortgage security on all his goods and on those that may come to him hereafter.

Signed: "paul malet. fame de paul malet."  
(wife of )

April 21, 1747. Receipt to Paul Malet for payment of 1050 livres specified in foregoing act.

Signed: Ancelain.

Jan. 30.  
3½ pp.

Petition by Jacqueline Chaumont, who is legally separated from her husband, to investigate the assault upon her by one Le Gros and to compel him by reason of the injuries sustained by her to provide for herself and son until he is able to work.

**Petition** to Superior Council by Jacqueline Chaumont, wife of a soldier of this Colony named Digue, from whom she is legally separated since about ten years. She states that one Le Gros, called La Tendresse, a tavern-keeper, entered her home at five in the morning and ill treated and bruised her, blinding her in one eye. The Rev. Capuchin fathers and Sr. Goudeau placed her in the hospital of the Poor, where she remained until provisions were exhausted and came out entirely blind, having no recourse but to beg, being led by her child; wherefore she prays that the case be investigated and that La Tendresse be compelled to pay her a sum in shape of provisions during three months, after which she might ask for nourishment for herself for the remainder of her life and for her child until he is of age to work.

Signed: For the said Chaumont.

June 9, 1745. Demand of the Procureur General for investigation.

Signed: fleuriau.

Order of Council to investigate facts before Mr. Raguet, appointed on this case.

(No signature.)

Feb. 1.  
1½ pp.  
*Suit for debt.*

**Petition** to Superior Council by Sr. Pierre Voisin to compel Sr. Boisclair to pay 281 livres, 8 sols, 9 deniers, and interest thereon for merchandise delivered to him by petitioner.

Signed: P. Voisin.

Feb. 1. Order to communicate above petition to the Procureur General of the King.

Signed: Lenormant.

Feb. 1. Notice of citation before Superior Council served on Sieur Chauvin Delery (Boisclair) at his domicile in New Orleans by Sheriff Lenormand.

Feb. 1.  
1½ pp.  
*Suit to enforce delivery of corn and rice under oral contract made between plaintiff and defendant on which latter is in default.*

**Petition** to Superior Council by Pierre Voisin to compel Sr. Aufrere to deliver 68 qts. of rice and corn for which verbal contract made before Sr. Barbin, which corn and unthreshed rice was to be delivered Dec. 25, viz: 40 qts. of corn in grain and 40 qts. of unthreshed rice; only six quarts of each having been delivered up to date, which fact will compel him to pay an excessive price at this time. He therefore prays that Sr. Aufrere be cited before Council to be sentenced to deliver the remaining sixty-eight quarts and to pay costs.

Signed: P. Voisin.

Feb. 1. Order for citation signed Lenormant.

Feb. 1. Notice of citation served on Sieur Aufrere by Sheriff Lenormand.

Feb. 1.  
2 pp.  
*Plaintiff seeks to enforce an oral contract wherein defendant agreed to deliver a slave in payment for the construction by plaintiff of a house on defendant's land.*

**Petition** to Superior Council by Sr. Martin Jairiguybery for citation of Sr. and Dame Livet, previously Widow Franca, to carry out agreement made with him in 1744. He built and turned over to her the house as agreed. In the meanwhile she married Sr. Livet and refuses to deliver the slave promised, offering instead a note by said Livet for 2000 livres payable in two years which he refused, the building having cost him over 3000 livres. He prays that Council order payment or transfer of the

house to a lot owned by petitioner at her expense.

Feb. 3. Order to parties to appear before Council at its next session.

Signed:; Lenormant.

Detailed statement of expense incurred in building said house.

Feb. 3. Notice of citation before Council served on Widow Francois now wife of Sr. Livet, to answer the complaint made and to hear ordered what is just.

Signed: Beaupre.

Feb. 3. Petition to Superior Council by Sr. Martin Jaureguibery, stating that in 1744, he had agreed with Widow Francois to furnish all that was necessary and to build, on a lot owned by her, a house on the ground 26 ft. in length by 18 in breadth, for payment of which said widow was to give him a negro called L'Eveille. He alleges he has carried out his share of the agreement, but the widow who has since married Sr. Livet offers his note for 2000 livres payable in two years. She has lived in the said house since Nov., 1744, without any attempt to satisfy her obligations. He therefore prays that material of house be estimated by experts and that she be compelled to pay or have the house transferred on petitioner's land at her expense.

Signed: St. Martin.

Feb. 3. Notice served on Mrs. Livet by Sheriff Beaupré.

Feb. 5. Appearance of Madam Livet delayed which will allow time for the parties to agree which is to the interest of Sr. Martin considering that the truth of the statement is not proven but by acknowledgment of other party and that in affairs of this importance verbal agreements are not admitted.

Signed: Jahan.

Council delays appearance of debt and advises plaintiff to come to an agreement with defendant because he has no written proof of the contract and verbal proofs are not admitted "in affairs of this importance." See further Feb. 6, No. 5, second entry Feb. 6, No. 4.

Feb. 3.  
(27098)  
Cotte.  
SSS.

Petition to remove seals affixed upon a cargo, and to deliver perishable merchandise therefrom to petitioners.

Petition to Superior Council by Louis Morisset, Etienne Layssard, Chantalou acting for them and G\_\_\_\_\_, called Pietet, stating that Sr. D— has returned from Pensacola where he made sales and received sums for merchandise furnished by petitioners as per invoices with signatures below them, seals have been affixed to his cargo which they pray you to have

raised in order that they may have their due and that perishable merchandise be delivered to them.

Signed: Layssard Bros. Chantalou. Henry. Feb. 3, 1745. Order to communicate to Procureur General of the King.

Signed: Raguet.

Considering above petition for raising of seals. Order to Mr. Raguet to raise seals in the presence of the Procureur General and of the Attorney of Vacant Estates, to remit to those proving their right all provisions that may deteriorate.

Signed: Fleuriau.

Statement of sums under seal: Louis Morisset, 20828 livres, 5 sols; Chantalou: 122 piastres; Layssard Bros.: 709 livres, 17 sols; Piettet: 3298 livres, 5 sols.

Document so badly charred as to be falling to pieces.

Feb. 3.  
(25463)  
fo. 27.  
(3973)  
1½ pp.

Deposit of colonial money in the Registry for exchange into crowns or piastres on the basis of the reduction on value of colonial currency, under the King's order to that effect of Jan. 2, last.

**Declaration** in Registry by Francois Marsseau acting as tutor of minor children of deceased Dernoy, who states that by a transaction in 1740, he obtained for said minors the sum of 1000 livres in colonial money and as by the King's declaration, read, posted and published on last Jan. 2nd, this colonial money is "reduced to three-fifths loss until the first of next March after which time the said notes will be null and void," wherefore to avoid a total loss of the goods of said minors he will presently deposit in the treasury the sum of 1000 livres to receive that of 400 livres in crowns of France or piastres at five livres each, following the tax of the King, of which declaration act was passed to serve and avail as need may be.

Signed: Cantrelle. Chantalou. Henry, greffier.

Feb. 4.  
1½ pp.

Suit to recover colonial notes from Rev. Pere Charles of the Chapitoulas.

**Petition** to Superior Council by Charles le Sas-sier for recovery of 695 livres in colonial notes due by Rev. Father Charles of the "Chapitoulas."

Signed: Lesassier.

Citation ordered by Lenormant.

Notice of citation served on Rev. Father Charles by sheriff "Beaupre."

1 p.

Copy of petition of Sr. Lessassier left with R. P. Charles with notice of citation by Sheriff Lenormand.

1 p.

Defense of Rev. Pere Charles, Superior of the Capuchins that said money should be paid to Rev. Pere Charles d'Avranches of the Chapitoulas, as the residents of that place owe the same.

Petition and defense of R. P. Charles, Superior of the Capuchins, showing that the residents of Chapitoulas owe said Father Charles d'Avranches, Cure of said place the sum of 1150 livres. Prays for order to remit said sum to the Cure and as Superior will pay the debt claimed from him.

Signed: f. Charles, Supr.

Feb. 4.

1 2/3 pp.

Suit for debt.

**Petition** to Superior Council by Louis Pierre Senet acting for Paul Rasteau, stating that a sum of 1000 livres in specie is due by succession of deceased Couturier wherefore he prays that Sr. Prevost, Agent of the Company of the Indies be cited, as holding procuration of Couturier heirs, so that the sum due, interest at 6% thereon and costs be paid.

Signed: Senet.

Citation ordered by Lenormant.

Feb. 4, 1745. Notice to appear before Council at its next session served on Sr. Prevost with copy of petition of Sieur Senet by Beaupre.

Feb. 4.

(25465)

fo. 27.

(3974)

1 p.

Protest of Moreau against the judgment of the Council in favor of his wife.

**Protest** by Moreau against decree of Council rendered between Marianne Giraudon, his wife, and himself, Dec. 12, 1744, on his return from Arkansas as he was in a hurry to profit of the convoy, by urgent necessity of earning a living and contributing to the community between them notwithstanding the decree of separation of Oct. 6, 1736, and to be compensated for his labor and care in such way as they will decide. Protest to be filed.

Signed: Henry, notary.

Feb. 4.

2 pp.

Copy.  
A father apprentices his minor son to learn the trade of gunsmith.

**Act of Apprenticeship** of Rocq Petit to Sr. Nicolas by Joseph Petit, his father, for three years, to learn the trade of gunsmith. Clauses and conditions enumerated, both contractants declared that they could not write nor sign. The original was signed by Rocq Petit, Chantelou, Cantrelle and Henry.

Feb. 4. Notice to appear before Council served by Sheriff Beaupre on Sr. Joseph Petit

at his domicile to answer on said act, and to hear ordered what is just. See judgment Feb. 6, No. 19 and second entry same date, No. 14.

Feb. 5.  
2 pp.

**Sr. Forstall sues Layssard Bros., to recover one half of commission exacted by them by one Herault in excess of his rights in regard to a deposit of gold bars and old silver, whereas said Herault had agreed to transport to France, but failed to do so and turned over the said gold and silver to Layssard Bros., first deducting a commission of 2%.**

See judgment Feb. 6, No. 8, and second entry same date, No. 6.

**Petition to Superior Council by Sr. Forstall** stating that Sr. Assailly held a deposit of gold bars amounting to 6395 grs. A. for Mr. Grangent, merchant of Havana, a box of old silver, weighing 1132 grs. A., which he was ordered to load as freight on the King's ship; Sr. Assailly leaving for Santo Domingo, before his departure turned over the deposit to Sr. Herault of New Orleans, who has recently left for France on the Elephant, leaving said deposit in charge of Layssard Bros. Before remitting it to him Sr. Herault exacted payment of 2% in piastres on this deposit, pretending that this was due by Sr. Assailly as commission. The petitioner is ordered to obtain this deposit from Layssard Bros. under a letter from Sr. Assailly who accords but 1% commission as it was not sent to France and he prays that Sr. Layssard who has funds for Sr. Herault be cited and ordered to pay but one half of the commission in order that Layssard Bros. be validly discharged towards Sr. Herault on funds owned by him.

Feb. 5, 1745. Order of citation of Layssard Bros.

Signed: Lenormant.

Feb. 6, 1745. Held as notified to appear before Council.

Signed: Layssard freres.

Feb. 5.  
2 pp.

Action by agents of Paul Rasteau to settle a partnership existing between the late Rasteau and Joseph Couturier, one time an Assessor in the Superior Council. The suit is brought against Sr. Prevost, agent for the mother of Couturier who is the decedent's sole heir. Judgment is sought for the sum of 50924 livres, 15 sols, 1 denier.

Service accepted by Prevost.

**Petition to Superior Council by Louis Cezard Le Bretton and by Pierre and Louis Senet, holding procuration of Sr. Paul Rasteau,** stating that a partnership existed between them and deceased Sr. Joseph Couturier, assessor in the Council of this Province, that they were associated in purchase of negroes and plantations, that the partnership having been dissolved during Couturier's life and the negroes were ceded to him for sum of 41000 livres, for which sum he made his obligation before Henry, notary, that besides this sum Couturier was indebted for sums payable in money of France, as per vouchers here attached. Couturier's sole heiress is his mother

whom Sr. Prevost represents; the petitioners pray for prompt action as the partnership has debts and heavy interest to pay, wherefore they pray for citation of said Prevost to compel him to pay the sum of 50924 livres, 15 sols, 1 denier, to petitioners, half of which is due by Sr. Couturier and that succession of Couturier be condemned to pay costs and legal expense.

Signed: Le Bretton. Senet.

Feb. 5. Citation issued for Sr. Prevost's appearance before Council.

Signed: Le Normant.

Held as notified: Signed: Prevost.

Feb. 6.

1 p.

Catherine de Gourdan, wife of Commissioner General and Chief Clerk of the Marine at N. O., accepts with benefit of inventory the succession of her cousin Alphonse de la Buissonniere, late Commandant at the Illinois.

See judgment  
Feb. 6, 1745.

**Petition** to Superior Council by Augustin Chantalou, acting for Dame Catherine Magny, wife of Messire Louis de Gourdan, Commissioner General and Chief Clerk of the Marine, who claims to be sole heiress of her cousin Alphonse de La Buissonniere, Commandant at the Illinois, where he died, wherefore she prays for letters of benefit of inventory so that she may accept said succession without prejudice to his creditors.

Signed: Chantalou.

Order to communicate to Procureur General of the King.

Feb. 6, 1745. Signed: Lafreniere.

Feb. 6, 1745. Request of Procureur General of the King that letters of benefit of inventory be granted to Dame Gourdan after compliance with formalities prescribed.

Signed: fleuriau.

Feb. 6.

2½ pp.

Action by the sole heir of Raimond Amiaut Dausseville, late Atty. of Vacant Estates against Sr. Barbin, present Atty. for Vacant Estates to compel him to render an account of the successions administered by Dausseville and taken over at his death by Barbin, his successor. The purpose being to enable Dausseville's said heir to settle and close the latter's succession.

**Petition** to Superior Council by Antoine Aufrere as substitute attorney of Sr. Gerard Pery, his son-in-law, who holds procuration of Delle Bernarde Amiaut presumptive and sole heiress of deceased Sr. Raimond Amiaut Dausseville, when living, Attorney of Vacant Estates. It was decreed on last December fifth that no property of the Dausseville succession could hereafter be sold until settlement of all the successions in his charge. As the said accounts are all determined and it remains only to verify them in the presence of the commissioner on this case and of the Procureur General of the King for the interest of both parties. It is necessary for the heiress to proceed

The office of Atty. of Vacant Successions was one of the most responsible and lucrative offices in ancient La., because there passed into this official's hands every intestate succession, and every inheritance not immediately claimed by the heirs.

The sale of the effects of such.

Successions placed in the custody of the Atty. for Vacant Estates, considerable sums of money, and as there were no banks in the city and apparently no place of deposit for such funds, the Atty. held the same so long as he remained in office. The French Colonial archives show much litigation over these funds, and the case here indexed is an illustration of the difficulties and delays incident to this peculiar situation.—

*Ed. La. Hist. Qy.*

See judgment Feb. 6, No. 15, and second entry same date No. 12.

Also see Feb. 12.

3 pp.

2 pp.

to sale of goods of said succession for fear of deterioration of plantations, slaves, houses, etc.; that she cannot feed such a quantity of slaves nor give them medical treatment when ill, wherefore petitioner prays for permit to sell the property of said succession, Sr. Barbin to file such protests as necessary, until liquidation of accounts of Vacant Estates in hands of Sieur Barbin and that moreover Sr. Barbin remit to petitioner within three days all accounts he holds proceeding from succession of Sr. Dausseville to begin necessary prosecutions considering the reduction of money in this Colony.

Signed: Aufrere.

Consent of Procureur General to proceed to sale of negroes of the succession of the deceased Dausseville on the best terms possible, returns thereof to be deposited until liquidation of accounts that Sieur Dausseville was to render and that Sr. Barbin make elision of debts or remit within a fortnight all notes to petitioner.

Signed: fleuriau.

July 12. Petition to Mr. Le Normant by Antoine Aufrere, holding procuration of Dausseville's heir, stating that by decree of Council of Dec., 1744, Sr. Barbin, Attorney of Vacant Estates, was ordered to render an account within three months of the successions which came to him from Sr. Dausseville, former attorney of Vacant Estates, to be rendered to the attorney of Dausseville succession in order to verify debts of the said succession. He failed to do so and the funds of this succession are in possession of various persons, that the returns on judicial sales were disposed of though said sales were made on demand of petitioner, who is ignorant as to what funds are still in hands of Mr. Barbin; wherefore petitioner prays for execution of order against Mr. Barbin for the recovery of funds of said succession and demands that in default of Mr. Raguet another be named to examine the accounts of Vacant Estates for which deceased d'Auseville was responsible.

Signed: Aufrere.

August 14. Petition to Superior Council by Sieur Antoine Aufrere, holding procuration of heir of deceased Sr. d'Ausseville in order to answer in citation served on him last July.

He states what he has received from Sr. Barbin up to date; he has employed these amounts to feed the cattle, to nourish the slaves and see to their medication; that he took up a note of his son-in-law (Gerard Pery) for three families of slaves belonging to said succession, which were since sold at auction and bought by said Aufrere; he shows that Sr. Delille Dupart has no right to demand sale of all slaves and movables and immovables of this succession since petitioner has offered to give him a mortgage notwithstanding that he Aufrere has a replevy thereon. He demands that Council order execution of the order of Dec. 5, 1744, to Sr. Barbin who within three months must render account and under bond remit the funds which will be held until liquidation of said succession.

Signed: Aufrere.

This document is difficult to decipher the ink from first page having gone through and that on the reverse being exceedingly pale.

Feb. 6.  
1½ pp.

Judgment of  
Superior Council.  
Lesassier vs.  
Rev. Pere Charles,  
Capuchin Cure of  
Chapitoulas.

**Excerpt** from Registers of Sessions of Superior Council, on date of Feb. 6, 1745:

Between Sr. Lesassier, merchant of New Orleans, plaintiff, vs. Rev. P. Charles, Capuchin priest, Cure of the Chapitoulas, defendant: P. Charles acknowledges the debt, which money was advanced to him to meet the needs of the Chapitoulas church which he has served since July 10, 1743, to Jan. 31, 1745, who was to receive 1200 livres per year from the parishioners of the Chapitoulas, which they never tendered. Council orders Rev. Father Charles to pay the sum of 675 livres, due on his note dated Feb. 3, 1745, and costs.

In first part of document the amount of note is stated as 695 livres and in the latter part as 675 livres, evidently an error, 695 livres being the correct figure as may be seen by petition dated Feb. 4, 1745.

Feb. 6.  
3 pp.

See Jan. 24, 1745.  
Judgment of  
Superior Council.  
Succession of  
Jean Merle.

**Excerpt** from Registers of Superior Council, session of Feb. 6, 1745:

Demand of George Tesson as testamentary executor of deceased Jean Merle, for homologation of his will made Jan. 24, 1745, and George Tesson's petition of Jan. 27, demand-

**The Council suspends its approval of said will, and orders the estate to remain in the custody of the Atty. for Vacant Estates until further orders.**

ing the recognition of Jeanne Caron as universal legatee of said Jean Merle, called Grandjean, the homologation of the will in order to proceed to election of a tutor and undertutor to the minor legatee. Sr. Henry (Clerk of the Council) answers that Jean Merle was a Savoyard and neglected to make a declaration of naturalization, which formality he should have observed though employed in the King's service since twenty-five years, but the legacy is made in recognition of services rendered the deceased by parents of the legatee, and as his wages amounted only to 360 livres per year, this would not have sufficed for his support without the kindness of the aforesaid Caron and Ann Monique, his wife. The Council has suspended homologation of the will but on demand of the Procureur General orders that Attorney of Vacant Estates, acting as Attorney for Inheritance of Alien Estates, receive said goods which are to remain in his care until further orders. Costs reserved.

Signed: By the Council.  
Henry, Greffier.

Feb. 6.  
(25466)  
fo. 27.  
(3975)  
5 pp.

*Marriage Contract  
Lerable-Dupres.*

**Marriage Contract** of Laurent Lerable, called St. Laurent, son of Laurent Lerable and Elizabeth Gausset, both deceased, a native of Rouen, Bishopric of Rouen, widower of Angelique Girardy, and Miss Marie Jeanne Terrebonne, minor daughter of Jacques Dupres, called Terrebonne and of Marie Bienvenu, a native of Ouachita, Bishopric of Quebec.

Signed: Lemelle. Marie jeanne therbonne. Larchevesque. dupare. terbonne. Chantalou. Songy. Henry, N.

Feb. 6.  
 $2\frac{3}{4}$  pp.

*Judgment of  
Superior Council  
granting Letters of  
Benefit of Inventory  
to Mrs. Gourdan  
in succession of  
Sr. La Buissonniere  
of Illinois.*

**Judgment** in case of Chantalou acting under procuration of Catherine Magny, wife of Mr. Gourdan, heiress and creditor of deceased Sr. Alphonse de La Buissonniere, her first cousin, Commandant for the King in Illinois. Council grants petitioner letters of benefit of inventory to accept in his capacity the succession of Sr. de la Buissonniere, deceased in Illinois intestate, without wife or children.

Signed: By the Council.  
Henry, Greffier.

Notice of this judgment served on widow of deceased by substitute service on Procureur General in N. O. See entry Feb. 6, ante.

Feb. 22. Notice served by Sheriff Marin Lenormand on Dame Therese Trudeau, wife and widow of deceased Sr. Alphonse de La Buissonniere, Commandant of Illinois, and left with copy of petition at domicile of the Procureur General who acts for those who are absent.

Signed: Lenormand.

Feb. 6.  
3½ pp.

A mulattress sues the estate of Sr. d'Ausseville, alleging that she was freed by her master in 1735, but that D'Ausseville acting as Atty. for Vacant Estates had her sold and by trickery kept her as his own slave, until she was recently freed on the decree of Gov. de Vaudreuil and Judge Salmon. She now sues D'Ausseville's estate to recover the value of her service during this enforced slavery and to reduce the claim against her resulting from the price she brought at said sale.

**Petition** to Superior Council by Marion, free mulattress, who was manumitted by her deceased master, Sr. St. Pierre St. Julien, on Oct. 9, 1735. He died shortly afterwards, and in settling his succession Sr. d'Ausseville, Attorney of Vacant Estates, stealthily suppressed the manumission and had her sold with the other movables of the estate and adjudicated to himself under pretext that returns of succession would not cover his indebtedness to the Company of the Indies. His indebtedness being covered she applied to the Procureur General of the King, following Art. 20th of the Black Code and he obtained her freedom from MM. de Vaudreuil and Salmon, who referred her to the Council for payment of wages or indemnity for the time she served Sr. d'Ausseville, all the more so as she is held to reimburse to the succession the sum of 1500 livres, price of her sale for which Sr. Barbin now prosecutes her. As it is not just that a free woman should have been kept in slavery through a trick, she prays for citation of Sr. Aufrere, holding procuration of Sr. d'Ausseville's heirs and creditors to compel him to pay her wages at 20 livres per month from the day he bought her until his death, wages and reduction amounting to 1500 livres or such sum as the arbitrators may decide on as wages and indemnity.

Signed: Lenormand for petitioner.

Order for citation signed by Lenormant.

March 29, 1745. Notice served on Sr. Aufrere, acting for d'Ausseville heirs and creditors to appear before Council at its next session by Sheriff Lenormand.

Feb. 6.  
2 pp.

*Judgment of  
Superior Council.  
Champagne vs.  
Reynaud.*

1 p.

**Decision** in case of Jean Baptiste Champagne, plaintiff, vs. Claude Reynaud, called Avignon acting under procuration of Jean Baptiste Gauvain, defendant: Council orders before decision that the said house be examined by experts and that their report be submitted. Costs reserved, pending.

Signed: By the Council. Henry, Greffier.

Feb. 24, 1745. Notice served on Sr. Claude Renaud, called Avignon on petition of Jean Baptiste Champagne, acting for Jean Baptiste Gauvain, that he must obey the decree rendered.

Signed: Lenormand.

Notice and copy of decree of Council served on Sr. Claude Renaud, called Avignon and to Jean Baptiste Champagne, inn-keeper, by Sheriff Lenormand.

March 6, 1745. Appraisement of buildings on land of Mr. Gauvain.

Signed: V. Perier. Louis haran. jean Cathery. frinan.

(To be Continued)



CL

## INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA XXIX.

October, 1778-April, 1779.

(Continued from April, 1930.)

By LAURA L. PORTEOUS.

October 19.

**Emancipation of Simon Durocher, called Castillon.**  
No. 3638. 5 pp.  
Court of Alcalde Dufossat.  
No Assessor.  
Escribano, J. B. Garic.

The petitioner sets forth that as it appears from his baptismal certificate (not included in the record) he is twenty-three and though he lacks two years of his majority he would like to be emancipated. He asks that witnesses be called to give the necessary information to prove that he is capable of administering his own affairs and that his conduct is good. Juan Monget, Paul Prevost and Simon Chevrey, each in a separate declaration say that they know Simon Durocher legitimate son of Pedro Durocher called Castillon as they have seen him born and raised and since he has arrived at the age of reason he has conducted himself very well up to now and has managed for himself. He is of good conduct, life and morals, is well known and is intelligent enough and perfectly capable of administering his own estate. On the strength of this testimony Dufossat rules that he must and does emancipate Simon Durocher and in consequence he gives him the power to receive and to administer his legitimate property which comes to him from the division made of Catalina Guichaud's estate and all the rest that by any title or reason may come to him.

October 30.

**Will and inventory of the estate of Carlos Maria de la Lande Dapremon. (t)**  
No. 3541. 45 pp.  
Court of Alcalde Dufossat.  
No Assessor.  
Escribano, J. B. Garic.

The record opens with a certified copy of the will which is to the effect that the testator declares that he married Carlota Duval twenty-five years before and that the children born of this marriage are Juan Luis, Carlos, Carlota, married to Pedro Chabert, now Alcalde, Rosa and Mar-

guerite absent in France. These five children now live. Eight years before they made an amicable division of the property left at the death of his wife, Carlota Duval, giving each one his share, 2803 pesos. He has paid over to Pedro Chabert, Juan Luis and Carlos, the parts that come to them, there still

remains to be paid the shares that belong to Rosa and Marguerita with 5% interest on this money which must be reckoned from the date of the partition until his estate is divided. He then presents an itemized statement of his debts, naming his son-in-law, Pedro Chabert, his testamentary executor and guardian of estate and grants him all the power necessary that is required by law to settle the succession. He names his five children as his universal heirs. A marginal note states that the testator died October 30, 1778.

Pedro Chabert as testamentary executor, acting for his wife petitions to make an inventory and appraisement of Carlos Maria de la Lande Dapremont's estate and that the co-heirs be cited and that some one be appointed to act for the two unmarried daughters absent in France and that these interested parties appoint an appraiser to value the property. He names Jacobo Rixner as his.

Dufossat grants the petition approving Rixner's appointment and orders him notified to accept and qualify which he does. Chabert then complains that much time has passed and the other co-heirs have not answered the summons. He asks that they proceed with the inventory and appraisement without them because by the nature of the property left it will deteriorate and besides it is stored in a stranger's house solely as a favor to the deceased. Dufossat orders them to proceed to the taking of the inventory the day following, notifying the co-heirs of it. With a warning that this must be done to prevent prejudice to them.

The inventory is begun at Mr. Francisco Beaulieu Monplaisir's house in the presence of Alcalde Dufossat, Pedro Chabert testamentary executor and guardian of the estate of Carlos Maria Lalande Dapremont, the present escribano, neither Juan Luis nor Francisco de Lalande appeared, cited to this effect as heirs to their late father and Juan Luis as empowered to act for his sisters, Marguerite and Rosa absent from the Colony. They proceeded to make an inventory of the estate which was appraised by Pedro Enrique Derneville, named officially and Jacobo Richner or Rixner. This estate consists of slaves, personal and household effects, silverware and papers, the last principally receipts. All property was deposited with Mr. Chabert who together with Juan Luis Lalande Dapremont representing his own and his two sisters' interests asks to have the inventory approved and all ordered to abide by it. Dufossat rules that with the consent of both parties he approves the inventory and condemns all to abide by it, and that the records be delivered to them so that they may promote what will be suitable.

The interested parties then move for a sale of the effects at public auction which is carried out on November 12 when each item is offered separately and adjudicated to the highest

bidder. After the sale Chabert presents three vouchers and gives his account and sworn statement as:

#### Recapitulation

Assets .....	1052 pesos	6 reales
Charges and deductions.....	805 pesos	2 reales $\frac{1}{2}$ m.
Remainder .....	247 pesos	3 reales $\frac{1}{2}$ m.

This statement is sent to each of the interested parties, who answer, each one in a separate petition expressing himself as satisfied with it, asks that it be approved and that the escribano tax the costs and make the partition. Dufossat rules that with the consent of the parties he approves Chabert's account and sworn statement and condemns them to abide by it, that the partition be made among the five heirs mentioned in the will and that the escribano tax the costs and make the partition.

Garic taxes costs at 98 pesos, 6 reales and draws up the schedule of partition. Each heir in a separate petition expresses himself as satisfied with the partition which is found to have been well and faithfully made and ask its approval and that all be ordered to abide by it. Dufossat rules that with the consent of all parties he approves the partition of the Lalande Dapremont estate made by Garic and condemns all to abide by it and that there be delivered to each one his share under his receipt in due form which must be annotated at the end. This concludes the proceeding.

November 10.

**Santiago Mather, as  
guardian of the estate of  
the deceased Juan Waugh,  
vs. Olivero Pollock to have  
him render an account of  
his administration of this  
said estate.**

No. 3652. 7 pp.

Court of Governor Galvez.  
Gonzales acting.

No Assessor.

Escribano, Juan B. Garic.

tively, all accounts pending, in consideration of which Pollock has delivered to him his accounts in English which he asks to have translated into Spanish, this translation to be delivered to him so that he may present his contestations. Petition granted and Miguel Eduardo is ordered to make the necessary

The plaintiff presents two pages removed from a ledger showing Oliver Pollock's account with the Juan Waugh estate written in English and sets forth that Oliver Pollock who was testamentary executor and guardian of the Waugh estate has an account to give him. They have made a contract, to this effect, before the present escribano, naming as arbitrators, Don Andres Lopez Armesto and Miguel Antonio Eduardo, to determine definitively, all accounts pending, in consideration of which Pollock has delivered to him his accounts in English which he asks to have translated into Spanish, this translation to be delivered to him so that he may present his contestations. Petition granted and Miguel Eduardo is ordered to make the necessary

translation. The escribano reports that when he went to notify Eduardo of the foregoing decree he found him absent from the city.

Santiago Mather then petitions to have the translation made by Jacinto Panis, since Miguel Eduardo is away. Petition granted, Panis must be notified so as to accept and take oath. Panis accepts and qualifies, but before he can make this translation he is taken ill and can not fulfill his agreement. The plaintiff then asks that Juan Dufossat be substituted for Jacinto Panis. This request is also granted and Dufossat is notified. He accepts and takes oath to make the Spanish translation. The record ends here.

November 11.

**Francisco Manne vs.  
Laurenzo Dupre Terbonne.**  
No. 3657. 5 pp.  
Court of Governor Galvez.  
No Assessor.  
Escribano, Juan B. Garic.

To collect a debt with garnishment  
of an alleged debtor of the defendant.

that he be summoned to swear and declare if he owes Terbonne (Terrebonne) anything and if so make a provisional seizure of the amount due. Galvez orders Lorenzo Dupre Terbonne to verify his notes and for George Heno to give the information required. The escribano reports both absent from the city. The case passes to Manuel Gonzales' Court where the plaintiff asks for a writ of citation for both Terbonne and Heno. Petition granted and Nicolas Fromentin, deputy sheriff summons the two parties. Terbonne verifies the notes and acknowledges the debt. Heno declares that he has nothing in his possession belonging to Lorenzo Dupre Terrebonne, on the contrary he owes him a certain sum of money. This ends the record.

November 19.

**Santiago Fraiche vs.  
Santiago Chapron.**  
No. 3644. 4 pp.  
Court of Alcalde Guido  
Dufossat.  
No Assessor.  
Escribano, J. B. Garic.  
To collect a debt.

ulated. This ends the proceedings.

Francisco Manne, a resident of Opelousas claims a debt of 786 pesos on two notes that he has been unable to collect and asks to have them verified (not filed with the record). He further states that Georges, the butcher (Heno) of this city bought a quantity of provisions from the defendant on credit and asks

The plaintiff states that the defendant owes him 200 hard pesos and asks to have the debt verified, but as the defendant is absent from the city a petition is entered for a writ of citation which is issued and served. In due course of time Chapron acknowledges his signature at the end of the note and states that he owes the amount stipulated. This ends the proceedings.

December 8.  
**Succession of  
Pedro Duroche (r)  
called Castillon.**  
No. 3643. 75 pp.  
Court of Alcalde Guido  
Dufossat.  
No Assessor.  
Escribano, J. B. Garic.

The first entry is the official announcement of the death of Pedro Durocher called Castillon, who has left minor children and grandchildren. This is followed by the escribano's certification to the death and a collection of the keys and a search for the will. Almonester and Garic both testify that no will has been filed

in their offices. Dufossat then rules to deliver the keys to Andres Durocher whom he names as guardian of the estate left by Pedro Durocher called Castillon, and considering he has left a minor grand-daughter, an orphan, through representation of her mother, Catalina Durocher, a daughter of the deceased, wife of Jacobo Lerable, absent from the city. His Honor names Leonardo Mazange her curator ad lites who must be notified so that he may accept, take oath and give bond and when this is done, appoint him to the charge and deliver to him the records of this case so that he may promote what corresponds to his representation.

Durocher receipts for the keys and Mazange qualifies naming Luis Le Sassier as his surety who in turn fulfills the legal requirements, and Mazange is duly appointed curator. Acting in this capacity he asks to make an inventory and valuation of all the Durocher estate, naming Francisco Lioteau as his appraiser and that the other interested parties be notified to name theirs within a short space of time. The Court grants this petition, and Francisco Lioteau qualifies as appraiser.

Pedro Bailly representing his wife, Maria Durocher and Nicolas Pertuit representing his wife, Mariana Durocher, Simon and Francisca Durocher appoint Francisco Broutin as their attorney and in a joint petition appoint Louis Le Sassier as their appraiser. He accepts and qualifies and the inventory is taken and an appraisement made of the property in the presence of Alcalde Guido Dufossat, the escribano, Leonardo Mazange, curator for the minor daughter of Jacobo Lerable husband of the deceased Catalina Durocher, Andres Durocher as guardian of the estate, Francisco Broutin acting for Simon and Francisca Durocher and for Pedro Bailly and Nicolas Pertuit as husbands of Maria and Mariana Durocher and Francisco Lioteau and Luis Le Sassier appraisers. The estate consists of house furnishings, wearing apparel, provisions, tools, implements, slaves, house and lands. The inventory is signed by Dufossat, Francisco Broutin, Andres Durocher, Leonardo Mazange, Francisco Lioteau and Luis Le Sassier, Jr.

The interested parties now ask that this inventory be approved and that all be ordered to abide by it. Dufossat

rules accordingly. The heirs and their representatives then ask to renounce the three public calls so as to sell immediately as much of the estate is of a nature to become damaged and to deteriorate. With the consent of all parties Dufossat orders the estate sold at public auction without the three public calls required by law. The sale is held on December 22nd, each item is offered separately and adjudicated to the highest bidder. The auction having been held the heirs then ask the guardian of the estate to give his account and sworn statement.

Andres Durocher presents five vouchers and gives his account and sworn statement as:

#### Recapitulation

Assets .....	3854 p.	$7\frac{1}{2}$ r.
Charges and deductions .....	319 p.	
Remainder .....	3535 p.	$7\frac{1}{2}$ r.

This is sent to the other interested parties for their approval. Leonardo Mazange, as curator, contests it giving his accounting as:

#### Recapitulation

Assets .....	3854 p.	$7\frac{1}{2}$ r.
Charges and deductions .....	339 p.	
Remainder .....	3515 p.	$7\frac{1}{2}$ r.

Then Francisco Broutin presents his contestation of Andres Durocher's reckoning and his table appears as:

#### Recapitulation

Assets .....	3862 p.	$7\frac{1}{2}$ r.
Charges and deductions .....	359 p.	
Remainder .....	3503 p.	$7\frac{1}{2}$ r.

However all agree to abide by the reckoning presented by Andres Durocher so Dufossat approves it and condemns all to abide by it. A taxation of costs must be made by the escribano who will draw up the accounts for the partition after deducting costs. Garic taxes costs at 243 pesos, 2 reales and makes the partition. After all costs and charges have been paid there remains 3322 pesos, 3 reales, which divided into six parts gives each heir 553 pesos, 6 reales. Pedro Bailly, Nicolas Pertuit, Simon and Francisco Durocher express themselves as satisfied with this division and ask to have it approved. Leon-

ardo Mazange as curator ad lites for the Le Rable minor finds nothing to contradict or contest in this partition and also asks its approval and for Alcalde Dufossat to interpose his judicial decree and to condemn all to abide by it. Andres Durocher finds the partition well and faithfully drawn up, he too, asks its approval and that all be condemned to abide by it. The Court does not rule on these petitions, but on January 28, 1789, Claudio Dupre presents a petition to Governor Esteban Miro in which he sets forth that as tutor for the minor daughter of Pedro Durocher in the settlement of his succession it is convenient to his minor's interests that it may please His Lordship to deliver to him the records of the succession in the ordinary form. Miro rules: As it is prayed. This ends the folio. The suit will evidently come up again in some form in the file of 1789.

December 21.

**Janeta, a free mulattress,  
vs. Marcos Darby.  
No. 3649. 14 pp.  
Court of Governor Galvez  
and Alcalde de Verges.  
No Assessor.  
Escribanos, Juan G. Garic  
and Leonardo Mazange.**

To collect a debt.

The plaintiff presents a note claiming that Marcos, or St. Marc Darby owes her 200 hard pesos which she has been unable to collect although she has made many efforts to do so. She asks that he be summoned to verify his signature and acknowledge the debt. She adds that the defendant lives at Attacapas, but is in the city at present. She further asks that he will not be

permitted to leave the city until this suit is concluded and that he must be present himself in Court, or else represented by an attorney. Petition granted and St. Marc Darby, under oath, declares that the signature to the note is his, but he does not owe the amount stipulated, and that he will give his defense and reasons in this affair.

This declaration is signed St. Marc Darby and is followed by two receipts presented by Juan B. Darby, the first is a receipt signed by Father Francisco de Caldas, dated December 23, 1778, and is an acknowledgment of 8 pesos paid by Juan Bautista Darby for the burial of a mulattress child named Felicitas, daughter of the free negress, Janet. The second reads: "I have received from Mr. St. Marc Darby this amount for treatment that I have given to the daughter of Janette Ducoder, free mulattress, in the year 1776. At New Orleans the 23rd of December, 1778. (Signed) Montegut."

Juan B. Darby then sets forth that he is a Lieutenant of Militia and a resident of Atakapas and that in answer to the suit brought against him by Juanita to pay her 200 pesos that he is supposed to owe her. He says that it is true that he made the note presented, but under conditions that can not now have

effect. At the time the note was made it was given for a little mulattress girl, her daughter, and in case he should take possession of her this said paper had to be null as this sum was for her support, then when she fell ill he took her into his house but on the request of the mulattress she took her to hers where she died. Therefore this paper becomes null and of no value nor effect because the child's death ends its conditions, besides he paid the surgeon and for the funeral as the receipts show, he asks then, that his opponent's suit be dismissed.

Galvez accepts the petition and the two receipts, but the day following he recuses himself because of his many occupations for the service that impedes the promptitude and despatch with which this cause should be handled he appoints Alcalde De Verges to act in his place without prejudice to the parties.

Janeta then appoints Francisco Broutin as her attorney and presents a petition to Alcalde de Verges in which she states that in the suit that she prosecutes against Juan Baptiste Darby. (Why the negress sues both Marcos and Juan B. Darby on the same note is never explained. It is to be supposed that Juan B. made it and Marcos acted as his security. These are two different men with two distinctly different signatures. L. L. P.).

She says the amount stipulated in the note is legitimately due her for the rental of her services for five years when she lived with him serving him as wife and servant in sickness and in health. He made her leave Mrs. Le Court's house where she made her home to go live with him. During the five years that she remained with him she not only had by him a little mulattress girl that has died but she had another, a little mulatto boy who still lives. When he married he did not have the money to pay her wages so he made her a note for 200 pesos, but supposing the note was for her daughter, she having died, the petitioner, as her mother, is her heir in conformity to law. Therefore she asks that he be condemned to pay her the full value of this note and the costs of this case, caused or to be caused.

After much delay on April 8, 1780, Broutin signing for Janeta and St. Marc Darby, signing for Juan B. Darby say they have come to an agreement and ask to have the suit dropped, the original note returned to Darby and the costs taxed which will be paid by the defendant. Alcalde de Verges rules accordingly and the costs are taxed at 85 reales.

No date.

(Space left for date.)

**Sale of the schooner**

"The Manetta" 80 tons

belonging to Don Carlos

La Riviere, her Captain

Pablo Augraud.

No. 3661. 2 pp.

Court of Alcalde Dufossat.

No Assessor.

Escribano, Juan B. Garic.

calls are made which are undated and unsigned. An unfinished and unsigned decree orders the day set for the auction with the space left for the date. There is also the first five lines of the form for the auction of the schooner which was apparently never held. This ends the record. (The entire folio looks as if it was prepared in advance then not needed. L. L. P.).

No date.

(Space left for date.)

**Sale of Santiago Francisco Connard's property.**

No. 3634. 6 pp.

Court of Alcalde Dufossat.

No Assessor.

Escribano, Juan B. Garic.

lots of ground on the Plaza Mayor (Principal Square Jackson) of this city, he asks that these be called for sale the next morning after the Parochial Mass and that the necessary bills be posted up. Petition granted. The first, second and third calls made, spaces left for dates. The petitioner's name within the folio appears as Joseph and not James Francis as in the title, he asks to have the schooner, "The Vigilant" appraised by experts, naming to this effect, Francisco Lioteau and Francisco Blache and asks their approval by the Court and that they accept and take oath. In a second petition he asks to name Juan La Vigne and Geronimo Pelletier as appraisers. There is no explanation given as to why Lioteau and Blache do not act, perhaps they are absent from the city. Pelletier and La Vigne accept and qualify and appraise the schooner, "The Vigilant" at 800 pesos. Connard's lands and the schooner are twice called for sale but no bidder appears. This proceeding closes the record.

This record seems to be an unfinished fragment. All places where dates should appear are left blank. The owner of the schooner petitions for permission to sell his schooner at public auction after the calls required by law have been given. There is an unsigned ruling to this petition ordering them to proceed to the public calls and the auction sale. The first, second and third

This record like the foregoing has no dates written but where they should appear blank spaces are left. The petitioner sets forth that he owes various parties in this Colony and not having the wherewith to meet these obligations unless he sells some of his property and as he has three

**January 10.**

**Guillermo Caverly vs.**

**Juan Campbell.**

No. 3587. 5 pp.

Court of Governor Galvez.

No Assessor.

Escribano, J. B. Garic.

To collect a debt.

The parties are both Americans, or English.

the translation. These English documents have been removed from the folio, but in Spanish they show a debt of 300 pesos and that the defendant's representatives in New Orleans are Messrs. Morgan & Mather. In a second petition the plaintiff asks that Mr. Campbell's agents be ordered to pay the debt. Galvez rules accordingly. The last entry is William Caverly's receipt for the English documents. It is to be supposed that the debt was paid though the record does not say so.

**January 19.**

**Leonardo Mazange vs.**

**Augustin Macarty.**

No. 3607. 4 pp.

Court of Governor Galvez.

No Assessor.

Escribano, Juan B. Garic.

To foreclose a mortgage on slaves.

William Caverly sets forth that by the documents he presents it is evident that Juan Campbell, absent from the Colony, owes him a certain sum of money and as this account is in English he asks to have it translated into Spanish by Joseph Dufossat. Petition granted and Juan Joseph Dufossat is notified of the appointment, qualifies and makes

The plaintiff presents a certified copy of a notarial act of mortgage on some slaves for 338 pesos, 5 reales, and asks for a writ of execution as the debt is long past due. Petition granted and the writ is issued. The marginal note to this effect ends the record.

**January 20.**

**Juan Davies vs.**

**Juan Waugh's succession.**

No. 3591. 71 pp.

Court of Governor Galvez and Alcalde Pedro Piernas.

Assessor, Postigo.

Escribano, Garic and Mazange.

To collect a bill of exchange. The defense is that the bill was paid and thereafter stolen, and that in any event the accepter Waugh was discharged for failure to protest the same. Judgment for plaintiff.

executor, Mr. Mather, to prevent him from disposing of it. Galvez rules accordingly.

John Davies presents two bills of exchange drawn by Alexander Bell accepted and signed by John Waugh, deceased, payable to John Davies and endorsed by him to Mr. Baure, or order, and claims the full amount of the two, namely 3080 pesos, 6 reales, from his debtor's succession. These bills are in English and are translated into Spanish by Juan Joseph Duforest at the plaintiff's request, who further asks that a provisional seizure be made of the Waugh estate now in the hands of his testamentary

James Mather upon being notified agrees to hold the Waugh estate at the disposition of the Court. Duforest qualifies and makes the necessary translation. The plaintiff then asks for a comparison of signatures, those on the bills of exchange with the ones on file in the escribano's office. This is done and the signatures prove genuine. And on the plaintiff's request for a writ of execution, Galvez orders James Mather to pay the bill within three days. Mather fails to answer until June 18, when he complains that there is no Assessor advising in this case which is prejudicial to the interests of his client. He asks to have the records of the proceedings delivered to him so that he may form his protest. Galvez rules on Postigo's advice ordering the records delivered to him for nine days.

Two months pass without any explanation, then the suit passes into Alcalde Pedro Piernas' Court with Postigo acting as legal adviser where John Davies states that his opponent has not answered, nor returned the records of the case which he was to have for nine days. He asks that he be declared in default and that a soldier be put in his house at his expense until the records are returned. Nothing further is done until March 6, 1780, when James Mather returns the records and answers. In the meantime Juan B. Garic has died and Leonardo Mazange has assumed his office of escribano.

In his answer Mather of the firm of Morgan & Mather declines to pay the bills of exchange because four years passed before they were protested when action should have been taken within ten days in accordance with the usages of commerce. He alleges that the bills of exchange accepted by Waugh were drawn by Alexander Bell and after acceptance were endorsed by Bell to John Davies, or his order, and afterwards endorsed by the latter in favor of Mr. Bore, or his order. Therefore it may be clearly inferred that the bills of exchange were paid by Waugh on the day signified in accordance with the customs of commerce, and Waugh intended to destroy them or retain them as proof of the payment in good faith he put them among his papers and forgot them.

He further alleges that when a box of books disappeared from the government house these drafts were hidden in some of the books, were removed and put into circulation again when Waugh was absent or after he had died. He further alleges that from the time the bills were accepted until Waugh's death much time elapsed yet no one presented himself against him. But supposing the bills had not been paid, Waugh's estate is not responsible for them for many reasons, the principal of which is the Governor's verbal order to pay all creditors in the city and those living in the neighboring posts in preference to all foreigners. This order is founded on what is forbidden in commerce particularly with the English.

A clandestine contract has no merit and Davies has received the bills of exchange at his own risk and venture and must have recourse against the drawer because they should have been protested within the ten days required by law and in default of payment action should have been taken against Alexander Bell and in this way Davies would have recovered his money with interest four years ago.

Being English and a merchant, Davies must know that bills of exchange to order, at sight, or date, duly accepted must be protested according to custom at the place where they were made. At least he must know the custom of London that requires a bill to be protested within three days. Mather goes into detail mentioning the number of days allowed in all the large cities of Europe for protesting bills of exchange. There is no foundation for Davies' claim against the Waugh estate and he prays that it be excluded with costs and that Waugh's estate be absolved and the bills declared null and of no value nor recourse. Piernas on Postigo's advice orders this petition sent to the plaintiff.

John Davies appoints Raphael Perdomo his attorney and answers asking to have his opponent put in perpetual silence and condemn him to pay costs. He proceeds to refute his arguments. He resents the implied charges of dishonesty made against him, particularly his statement, merely a supposition on his part, that Waugh had intended to destroy the bills, put them away and forgot them and that when some boxes of books disappeared from the Government house they were hidden in them, extracted and put into circulation when Waugh was absent or had died. He also resents his attack on his Nation and honor and says his statements are tantamount to calling him a public thief. He prays that his opponent be ordered to appoint an attorney of the Cabildo to represent him for the prosecution of this suit and that Leonardo Mazzange, escribano of this cause be instructed to refuse to receive any writing not signed by a procurador del numero (a public attorney at the Cabildo.) Piernas on Postigo's advice rules accordingly.

James Mather, empowered by Ignes Fournival, widow of John Waugh and charged with the latter's estate as testamentary executor presents the notarial act by which he appoints Francisco Broutin to represent him and sets forth that John Davies' debt of 3080 pesos, 6 reales, will have to be pro-rated with the claims of Juan Waugh's other creditors and paid if the estate is large enough. He has lost his place as a privileged creditor because he did not protest the bills at the proper time in accordance with the usages of commerce. He asks Alcalde Piernas to rule accordingly.

This petition is ordered sent to the opposition but after some delay as the litigants are hopelessly at odds. Davies

still claiming to be a privileged creditor, Piernas orders the case to go on trial within nine common days. On August 17, 1781, the case passes to Jacinto Panis' Court, the legal time having elapsed Davies and Mather, each in a separate petition asks for a publication of the proofs. Jacinto Panis rules with the consent of both parties, publish the proofs.

Davies is the first to present his. He asks to file his petitions on pages 3, 8, and 20 and everything else favorable to his cause. He gives several interrogatories upon which he wishes to have the witnesses he names questioned. These are John Surairay, Alexandro Reaud, Juan Duforest and William Strother. The questions are:

These are business men called to prove the commercial usage as to Bills, and the order of the Governor as to preferences on payment in favor of local creditors.

1. Q. Is it not true that the bill of exchange drawn by Alexandro Bell accepted for payment by Juan Waugh is sufficient and regulated according to the law of commerce and should be paid?
- A. All witnesses answer that the bill of exchange presented on page 2 drawn by Alexandro Bell, accepted for payment by Juan Waugh is sufficient and regulated according to the law of commerce and must be paid without contradiction.
2. Q. Is it true that debts contracted in this Province by Waugh must be paid in it with preference to the creditors outside of this city of New Orleans?
- A. It is true and there is no doubt that the debts that Waugh contracted in this Province are and must be privileged to the creditors in the foreign dominions, or with their inhabitants.

Mather then presents his proofs by asking that his petitions on pages 11 and 14 be reproduced together with all else favorable to his cause.

This is followed by Davies' petition to allege as well founded the papers sent to the defendant. Later he complains that Mather has not answered, nor has he drawn up his records officially. He asks that these records be ordered sent to the Assessor's office, who is the legal adviser in this cause, so as to proceed to pass the definitive sentence.

Mather comes back with his same argument that the creditors in the Province must be paid first and if there is anything left then the foreign ones will be satisfied and reiterates that the bills of exchange had ceased to be privileged because they had not been protested at the proper time. He, too, asks for a definitive sentence.

Jacinto Panis, on Postigo's advice passes the definitive sentence as follows: After reviewing the records of the case he must order and does order that the decree be carried out with exact and due effect which was pronounced on March 9, 1779, by Don Bernardo de Galvez, Pensioned Knight of the Royal and distinguished Order of Charles III, Colonel of the Royal Armies, Intendant Inspector and Governor General of this Province by which he ordered Don Santiago Mather, guardian of the property of the deceased Juan Waugh to pay to Juan Davies the sum of 3080 pesos, 6 reales. For this purpose seize the debtors property at once, after notification, condemning the succession to pay costs.

The two litigants ask to have this definitive sentence consented to and passed in the authority of a thing adjudged. Panis then rules: With the consent of the parties his sentenced just pronounced is consented to and passed in the authority of a thing adjudged and in consequence he condemned the parties to abide by it. Davies asks to have the costs taxed which according to the definitive sentence must be paid by the succession. Panis grants the petition and Luis Lioteau is notified to act as tax assessor. Rafael Perdomo, as attorney for Davies, petitions that his writings on pages 20 and 40 be specially taxed as they are very long. Petition granted. Broutin asks the same privilege for his writing on page 14. His petition also granted. Costs are taxed on December 6, 1781, at 102 pesos, 1½ reales.

Mather then presents 10 vouchers showing the accounts of the Juan Waugh succession, giving a list of the creditors and the amounts due each one, receipts, etc., and sets forth that a decree has been made known to him ordering him to pay Carlos Norwood from the Waugh succession, 200 pesos, Juan Davies 3080 pesos, 6 reales, and William Strother 411 pesos, 3½ reales, amounting in all to 3692 pesos, 1½ reales. The estate that he holds in his possession amounts to 810 pesos, 4 reales, as appears from the accounts and receipts that he presents, the papers that correspond to them that are missing were lost in the hurricane that has just visited the colony. For the amount that he has in his possession it will be necessary for the three instances to be considered as one and the costs paid and what is left pro rated among the rest of the creditors. Panis on Postigo's advice orders the accounts which are in French translated into Spanish by Juan Joseph Duforest.

Duforest is notified but is unable to accept as he is just about to march on an expedition for Natchez. Mather then asks that some one else translate the accounts. Panis on Postigo's advice appoints Esteban de Quiñones, who is notified accepted and qualifies, but as the acceptation is unsigned it is probably only a form written in advance that was never served. This is the last entry and closes the record.

January 25.

**Testimony given on  
request of Mrs. Veillon  
and Mrs. Bleignac on the  
loss of a brig.**

No. 3588. 4 pp.

Court of Governor Galvez.  
No Assessor.

Escribano, J. B. Garic.

greater part of the crew, now in the city, declare under oath whether it is true that the entire cargo of the ship was saved and to tell all they know of the shipwreck, principally the day they began to load the vessel and the day they set sail for their destination and done and the testimony approved let the Court interpose its authority and judicial decree and order the originals delivered to them for the ends for which they pray. Galvez rules: Let the information be received from the witnesses and let their testimony be taken by the escribano and done, final sentence will be passed.

The three witnesses, all sailors of the "Renown" Joseph Michel, Delino de Chalmet signing for him, Francisco Lamere, Louis Lioteau signing for him, Christoval Savon, each in a separate declaration states that when the ship was wrecked the first things to be saved were the trunks belonging to Messrs. Bange and Coupry, owners of the ship, the next morning they saved all the stores of the ship with the cables and all that was manageable. Twenty days after Messrs. Coupry and Bange ordered a schooner from Havana to save the rest of the cargo, but they do not know what was salvaged because by that time they were in another ship sailing for this city. The ship was lost at the Keys of Saint Luisa on the coast about five leagues from Havana. They do not remember the day they sailed from this city, nor the day they were lost. Galvez rules: Considering the foregoing testimony, His Lordship says he must and does approve it, interposing and does interpose his authority and judicial decree. Let the originals be delivered to them for the ends that they have petitioned, they paying their just dues.

February 2.

**Salomon Mallines vs.  
Martial Berthelot's  
succession.**

No. 3608. 7 pp.

Court of Alcalde  
Pedro de Verges.

No Assessor.

Escribano, J. B. Garic.

Juana Camus, widow of the deceased Juan Baptiste Veillon and Josefa Dausther, widow of the deceased Mr. Bleignac say they have shipped a certain amount of cargo on the brigantine "The Renown" in charge of Captain Pedro Eli Bange, shipwrecked on the coast of Havana. It is convenient to their rights that the

greater part of the crew, now in the city, declare under oath whether it is true that the entire cargo of the ship was saved and to tell all they know of the shipwreck, principally the day they began to load the vessel and the day they set sail for their destination and done and the testimony approved let the Court interpose its authority and judicial decree and order the originals delivered to them for the ends for which they pray. Galvez rules: Let the information be received from the witnesses and let their testimony be taken by the escribano and done, final sentence will be passed.

Plaintiff presents his original account and petitions to be paid 351 hard pesos, the amount due. He has taken action before to collect but has been unable to do so. He now prays for a writ of execution. Alcalde de Verges orders the writ of execution issued, which is done and is served

To collect a debt.

deceased Martial Berthelot where he demanded of his widow, as guardian of the estate, to pay Salomon Mallines' debt, but she neither exhibited any money, nor pointed out anything to be seized so he attached a chair, leaving the writ open to be put into execution whenever convenient to the party and in testimony whereof he sets this down as a matter of record.

February 24.

**Miguel Fortier vs.  
Lamothe Bros.**  
No. 3598. 9 pp.  
Court of Alcalde  
Pedro de Verges.  
No Assessor.  
Escribano, J. B. Garic.  
To collect a debt.

by Pedro Bertoniere, who reports that he went to the house of the

deceased Martial Berthelot where he demanded of his widow, as guardian of the estate, to pay Salomon Mallines' debt, but she neither exhibited any money, nor pointed out anything to be seized so he attached a chair, leaving the writ open to be put into execution whenever convenient to the party and in testimony whereof he sets this down as a matter of record.

Miguel Fortier sues on a note for 196 pesos, 2 reales, and as the maker the defendant, Juan Lamothe is dead and can not verify the note he asks for a comparison of signatures by the escribano with those in his Archives. De Verges rules accordingly and Garic identifies the signature. Fortier then asks for a writ of

execution. The Alcalde rules to notify Juan Baptiste Benoiste de Santa Claire, guardian of the estate of the deceased Juan Lamothe to pay Miguel Fortier from the said estate 196 pesos, 6 reales, within three days as it is evident that the deceased owes this sum. The guardian of the estate is absent on his plantation and Fortier petitions for a writ with an enclosure of the foregoing decree. Alcalde de Verges orders the notification, entrusted to the deputy sheriff. Pedro Bertoniere, deputy sheriff, reports that he has carried out the Court's orders and Miguel Fortier signs a receipt for the money that was paid to him by Leonardo Mazange attorney for Jean Baptiste Benoist Sainte Claire, guardian of Jean Lamothe's estate.

February 18.

**Sale of certain merchandise belonging to Nicolas Sarde to be paid for next October.**  
No. 3621. 8 pp.  
Neither Judge nor Assessor named.

The document is in Garic's writing who is the only official signing.

or warehouse. The conditions of the sale allows the purchasers until the following October to pay for the goods bought.

This folio contains nothing but an itemized list of articles of merchandise such as soap, handkerchiefs, brushes, powder, cloth by the yard, blankets, thread, blankbooks, barrels of provisions, etc., put up for sale at public auction and sold to the highest bidder. Each buyer is named in the proceedings together with the price paid. The sale seems to have been of the contents of a shop,

February 22.

**Juan Subie vs. Honorato de la Chaise.**

No. 3619. 14 pp.

Court of Governor Galvez.

No Assessor.

Escribano, J. B. Garic.

To collect rent overdue.

Plaintiff presents a certified copy of the notarial act of lease by which he rented a plantation belonging to the Cazelar minors, consisting of 12 arpents front by 40 deep situated a league and a half from the city on the other side of the lower river between Luis Decallogne's and Thomas

Poree's places. The plantation is leased for five years for 500 pesos Mexican coin per annum. The rent to be paid semi-annually in two parts of 250 pesos for each payment. The said lease to begin January 1, 1776, and to end December 1, 1780, under the conditions that the lessee construct a house in place of the one now on the plantation. This act of lease is followed by a certified copy of the notarial act of bond given with Santiago Beauregard as security for Honorato de la Chaise.

Armed with these two exhibits Juan Soubie alleges that Honorato de la Chaise owes a balance of 602 pesos on the rental of the plantation for the years 1777 and 1778, without prejudice to the current year. He has been unable to collect the rent now over due and asks for a writ of execution against any or all of the defendant's property up to the amount that is owed. Under the order of Galvez the writ of execution issued and was served by Pedro Bertoniere, deputy sheriff, who makes a return to the Court that he went to Honorato de la Chaise's plantation where he asked him to pay his debt which he did not do, nor did he point out anything to be seized, so the deputy sheriff attached a straw chair and left the execution open to be carried out whenever convenient to the party. This cost of the proceeding was 12 reales for a pirogue and rowers and in testimony whereof he sets this down as a matter of record.

February 22.

**Sale of a negress named Luisa and of a piece of land belonging to Santiago Le Rable's minor daughter.**

No. 3601. 9 pp.

Court of Alcalde de Verges.

No Assessor.

Escribano, J. B. Garic.

This proceeding is a form prepared in advance as many spaces are left blank for names and dates. Leonardo Mazange, as curator ad lites for the Le Rable minor states that it is convenient to her right to have witnesses give testimony about a negress belonging to her who has become very feeble. If the information given is in conformity he asks

that she be appraised by experts, and done that the slave be sold. He names Pedro Bertoniere as his appraiser and asks the Court to name another. Alcalde de Verges orders the

information received and Joseph Bally and Nicolas Perthuis each in a separate declaration state that it will be to the benefit of the Le Rable minor to sell the slave so as to avoid her death.

Leonardo Mazange then asks to have Luisa sold after she has been appraised, naming Francisco Lioteau as appraiser. De Verges rules accordingly ordering Lioteau to be notified so that he may accept and take oath. The appraiser qualifies and values Luisa at 400 pesos. The three public calls are given by Juan Bessierre crier, then Mazange petitions for the auction. The sale is held on March 27 and the slave is adjudicated to Vicente Reillieux, the only bidder, for 402 pesos. This sale is signed by de Verges, Leonardo Mazange and Mr. Fraissinet acting for Vicente Reillieux. The land was not sold.

February 28.

**Francisco Joseph  
Le Bretton vs. Pedro  
Gosslin.**

No. 3604. 17 pp.

Court of Governor Galvez.

No Assessor.

Escribano, Juan B. Garic.

To collect a debt.

deep adjoined on one side by Luis Andry and on the other by Chevalier de Villiers.

The improvements consist of a main house, a kitchen made of stakes in the ground, a store house, two hen houses, a dovecote, a stable, a mill very old and falling into ruins, two closed edifices one to cover the water machine for the indigo mill with its iron chain in good condition the other to beat (thresh) the indigo, three pairs of vats and other necessities for an indigo plantation, negro cabins, fences, 14 slaves, live stock, tools and implements, etc.

The term of the lease is three years, beginning November 5, 1776, ending the same day in 1779, for 480 pesos annually, to be paid each year and under certain conditions named, principally about feeding, clothing and the care of the health of the negroes. All property to be returned in the same condition as it was when delivered to the lessee. Juan Piseros and Juan Paillet were securities for Gosslin.

There is also filed warranty dated June 27, 1777, and signed Livaudais, L. Robert and Avart providing for the return of the leased property rented by Mr. Le Breton to Mr. Gosslin with mention of certain losses sustained during the time that the latter had occupied the plantation. Exception is made in the case of the death of some of the live stock.

Plaintiff presents a notarial lease wherein Francisco Joseph Le Breton Dorgenois empowered by his father, Luis Cezario Le Breton, absent in the Kingdom of France rents a plantation belonging to him to Pedro Gosslin, situated two leagues from the city, same side upper river, consisting of 21 arpents front by 60

With these two exhibits Francisco Joseph Le Breton claims a debt of 150 pesos from the defendant and prays for a writ of execution. Galvez orders the writ issued, which a marginal note says was issued.

March 6.

**Inventory of the property of Raymundo Salget who is a fugitive from this Province.**

No. 3623. 16 pp.

Court of Alcalde Piernas.  
No Assessor.

Escribano, J. B. Garic.

order that he may petition for what belongs to him. Piernas rules accordingly and the inventory is made in the presence of Pedro Piernas accompanied by Joseph Ducros, General Receiver, the escribano and Nicolas Sarde. The articles found comprise books, one called Journal of the cooperage for the year 1778, another entitled accounts for the year 1779, tools, notes showing Salget's debts to others and what is due to him, house furnishings, barrels, wood and iron to make hoops and a whet-stone. This is followed by a list of debts that Salget owes Sarde, amounting to 104 pesos, 5 reales,  $\frac{1}{2}$  maravedi. There is also a memorandum in Raymond Salget's writing of tools and merchandise received from the junior Mr. Sarde, May 25, 1778.

Thereupon the petitioner alleges that as it appears from the accounts he presents, Salger owes him 104 pesos, 5 reales,  $\frac{1}{2}$  maravedi. He asks that his effects be sold to pay this debt and that all the tools and articles that he rented to Salget be returned to him officially, since he is a fugitive from the Province. Piernas grants this last request, and Nicolas Sarde receipts for his tools that are returned to him by the General Receiver.

A letter is in the files, dated February 25, 1779, written by Delille Macnemara claiming that there is due to him 14 pesos for the rental of a negro for more than six days, for the time that he acted as guardian. Piernas rules to file this claim with the others.

Sarde then petitions that the property be sold at public auction without any other legal formalities as the amount is so small. Piernas orders the effects now in the hands of the general receiver put on exhibition and sold as requested. The next day the public crier called the sale in the streets and accustomed places and the auction began. The articles offered were adjudicated to the highest bidders. After the sale there is a joint petition by Nicolas Sarde and Raymond Salget saying

Nicolas Sarde sets forth that about sixteen months before he rented his cooperage shop to Raimundo Salget with all its necessities, or machinery. His tenant is a fugitive from this Province as is generally known. He asks that an inventory, description and enumeration be made of all that has been left by Salget in

they have composed their differences and they ask that the General Receiver return the rest of the products of the sale of the things that were seized. Piernas rules: As it is prayed, the parties giving the receipt that is required. This receipt is signed by Nicolas Sarde and Raymond Salger, the latter receiving 39 pesos, the amount that remained with the General Receiver together with his papers. This proceeding ends the record.

March 8.

**Criminal Proceedings  
prosecuted by Guillermo  
Strother against Gilberto  
Hay, accusing him of  
having stolen some  
negroes.**

No. 3620. 10 pp.

Court of Alcalde  
de Verges.

No Assessor.

The escribano's name  
not mentioned.

accused. He further asks that a translation of the letters be made by Juan Joseph Duforest, interpreter, and placed with the records of this case. Alcalde de Verges rules accordingly.

The next entry is the translation of the letters. The first is written by Mr. Pedro Swanson of Pensacola, January 30, 1779, to his brother, Guillermo Swanson, of Manchac, to the effect that some days before Gilberto Hay left Mobile owing them more than 2,000 pesos. He fled taking with him three negroes that he, Swanson, had bought and left in his charge to make staves, tar and liquid pitch so as to enable him to pay his debt when this should be accomplished he would then sell them to him, but not before. He has no paper showing any act of sale, by taking the slaves he has committed robbery. He understands that he has gone to New Orleans so he directs his brother to appeal to Governor Galvez for the restitution of the negroes and any other thing that this thief may have carried off. The second letter is from Guillermo Swanson to Guillermo Strother dated Manchac, February 27, 1779, enclosing a copy of the foregoing asking him to get possession of the slaves that have been stolen and send them to him at Manchac and he will promptly remit all charges and costs. The letter has a postscript saying that this man has been pursued by a sheriff in an armed canoe up to within the lakes but they could not overtake him. Any evidence that will be necessary will be ordered taken so as to convince them that a robbery has been committed by him.

Guillermo Strother presents some English letters appearing later in Spanish translation and asks the arrest and holding in the public prison of this city, one called Gilberto Hay to question and examine him upon the crime of which he is accused in the said letters and upon these questions and answers do what will be according to law and justice and to keep him in prison until the necessary proofs may be obtained to convict him of the crime of which he has been

The next entry is the questioning of Gilberto Hay a prisoner in the public jail by Alcalde Pedro de Verges through interpreter Juan Joseph Duforest. The prisoner takes oath on the Holy Evangelists because he is a Protestant. He says his name is Gilberto Hay, born in North America, in the Province of Virginia, city of Williamsbourg. Has no profession, had been keeping a tavern in Mobile at the time of the New Year.

He does not know why he was arrested, but was told that Guillermo Strother accused him of a crime, he does not know what the crime is.

Asked when did he leave Mobile and what did he carry away from there? He said about a month before he brought Carlos White away in a canoe. Asked if there were any other persons with him? He said no that his family came afterwards. Questioned if he had a permit authorizing him to leave Mobile to come here? He said it was not customary among them to ask permission when they wished to go to other parts.

Did he owe any debts? Yes he owed Juan Maguilbray & Co., but he did not know the exact amount because he had made various payments with staves, pitch and tar and that these amounts came to more than the value of the negroes he had bought from that Company. How many negroes had he bought? He answered there were two and a third that he had exchanged with Santiago Marquintoche for a negress that he delivered to him.

Has he anything in writing to prove the purchase of the negroes? He has no written paper in his possession, he bought them for 30,000 staves. He delivered 15,000 staves to Pedro Swanson on account, shortly after he went up the Mobile River to bring the rest of them and that he still owes for the final payment on the negroes. At that time Swanson passed a sale for them by private writing, but just then he had to defend a law suit in Pensacola brought against him for other debts that he owed there. Pedro Swanson counselled him not to keep the writing of the sale for fear that the other creditors would put an embargo on these slaves. He consented to this but later when he had made final settlement with his creditors it was his intention to ask Pedro Swanson for another written paper. When the time came and he did ask for another act of sale this was denied him.

Does he not owe Swanson a remainder on the negroes and how much? Yes it is true that he owes something but he does not know how much because he has not balanced his account with the Company for a year and a half, or more, but the 30,000 staves that he delivered were not to liquidate the other debts but were solely in payment for the negroes.

Why did he leave Mobile to come here and then to send for his family before having first regulated his accounts with his creditors and paid what he owed? He answered he had

other creditors besides the forenamed Company which always had him in their power and would not let him pay anyone until he had first paid them. They kept him continually under the threat of having him arrested and put in prison in Pensacola. It was the fear of arrest that made him determine to leave that country and come here.

Why had he made his negroes come here? When he left Mobile he ordered two to come here with his son. Where are they now? He sold one to a German named Osborne and the other to a German whose name he does not know, but he is acquainted with Osborne. For what amount did he sell the negroes? He sold both together for 880 pesos and that he has received nearly all the money except about 100 pesos that Osborne still owes him.

Did he have an act of sale drawn up before a notary when he disposed of the negroes? He does not know if an act of sale was passed and if so if it was before a notary. The purchaser told him that the person who wrote the paper for the sale was one directed for that purpose. Where is the money he received for the negroes. He paid his creditors other than the Company with it.

This questionnaire with the answers recorded is ordered sent to William Strother who answers in a petition saying that for the security of his creditor Pedro Swanson of Mobile it will be necessary to take all that he possesses in this city. It seems natural that having sold the negroes he received money for them and that he must still have the greater part of it, or must have turned it over to his family or else hidden it. This petition is sent to Gilbert Hay.

The accused answers in a petition to Governor Galvez stating that William Strother has appeared before Alcalde Pedro de Verges to accuse him of stealing three negroes from Mobile and has had him put in prison for this reason. He says the slaves belong to him as he bought them legitimately as he can prove by duly presenting his title to ownership of them. Therefore Strother's accusation is false and he asks to be set free and Strother punished for the grave crime of an unjust accusation brought against him. Galvez orders this petition sent to Alcalde de Verges in whose Court the suit was begun and he orders it filed with the records. This closes the record.

March 9.  
**Francisco de Villiers vs.**  
**Marie Luisa, called Trisa,**  
**a free negress.**  
 No. 3626. 7 pp.  
 Court of Alcalde  
 de Verges.

Chevalier Francisco de Villiers presents the original note and claims a debt of 590 hard pesos and asks to have her verify her mark and acknowledge the debt. Trisa or Iris denies that she owes anything to Chevalier de Villiers and that

No Assessor.

Escribano, Juan B. Garic.  
To collect a debt.

she will give her defenses. The plaintiff then asks that Guido Dufossat and Prosper Barbin Bellevue, the two witnesses to the note, be summoned to declare under oath if it is not true that they have seen Iris consent to the note presented on page I and if she did not make the sign of the cross at the bottom of it and to deliver Dufossat's and Bellevue's declarations to him. Dufossat declares that it is true that Iris consented to pay Francisco de Villiers the sum that he asks and that the sign of the cross is hers as he was present as Alcalde when she made it. On the strength of this declaration the plaintiff asks for a writ of execution against the person and property of the defendant to the extent of the debt. The writ is ordered issued. The last entry is Prosper Barbin Bellevue's declaration that it is true that Iris consented to pay Francisco de Villiers the amount petitioned and that he was present when she made her mark as she could not sign.

March 20.

**Petition made by Barba Hertelin's heirs for the sale of a house, the effects and a mulatto.**

No. 3628. 8 pp.

Court of Alcalde  
de Verges.

No Assessor.

Escribano, Juan B. Garic.

The first entry is filed out of place and is the partition of the estate. The beginning should be page 2, the petition by Pedro Zeringue, Joseph Zeringue, Juan Luis Zeringue, Alexandre Harang, Joseph Le Breton, as married to Anna Margariea Harang brothers and sisters who say that their mother Barba Hertelin has made a cession of certain property that consists of a house, lot,

slaves and movables which they wish to sell at public auction and ask that a permit be granted to them to do so and that the public calls be made to sell judicially. Signed by all petitioners. De Verges rules: As it is prayed.

The next entry is the itemized sale of house furnishings, slaves and a house and lot on Toloza (Toulouse) Street adjoined on one side by a lot belonging to the succession of Fourangin, called Lacouturey and on the other by Luis Jure Fourangeau. The house is sold to Alexandre Harang for 1030 pesos, his surety being Carlos Fraisinets.

The last entry is a receipt signed by Alexandre Harang and Francis Joseph Le Breton Dorgenois before Juan B. Garic for 420 pesos, 4 reales, for the one-half of the proceeds of the sale of the movables and 26 pesos, 6 reales for the 2/6 that come to them they have not yet received anything for the mulattress nor for the house.

The partition is made and a marginal note on it states that the money has not been collected. Alexandre Harang and

Margarita Harang Le Breton each receives 480 pesos, 4 reales, and Pedro, Joseph, and Juan Louis Zeringue and Laurenzo Baily 145 pesos, 1 real apiece, making the estate total 1741 pesos, 4 reales.

**April 10.**

**Lorenzo Sigu vs.**

**David Munro.**

No. 3618. 20 pp.

Court of Governor Galvez.

Assessor, Postigo.

Escribano, Juan B. Garic.

To collect 100 pesos  
indemnification.

This record like all suits prosecuted in the country parishes is in French, is very much mishandled and seems to get nowhere. It is made up largely of petitions and declarations, charges and counter charges, much that dwindles down to petty gossip.

The case opens with exhibit 1, a sentence by arbitration dated June 20, 1779, and is therefore bound out of place. It is to the effect that Louis Dutisne, Commander of the Post of Iberville has called upon Maturin Benois, Pierre Favre, Pierre de Clouatre and Jouse Phe. Orilions all residents of the district to go to the lands owned by Messrs. Sigu and Maneraux (Munro) to verify the damages done by the overflow of the waters of one over the lands belonging to the other, each one having brought the charge that the drainage of one wrought injury to the other's plantation. The arbitrators after due deliberation and under oath declare that Mr. Munro's faulty drainage has caused great damage to Mr. Sigu.

Exhibit 2, dated March 20, 1779, is Commander Louis Dutisne's order to Mr. Munro to put a stop to the overflow of his water which causes prejudice to his neighbor and in default of which he will be condemned to pay all damages, expenses and interests to the land that has been injured. A paragraph below reads: The Judge will have the goodness to note that Mr. Munro's land has been inhabited for about ten years and that it must be placed in the condition that the King's ordinance requires.

The proceedings proper begin with Mr. Laurant Sigu's petition to Commander Dutisne dated April 10, 1779, stating that more than three weeks before Mr. Munro was ordered to put a stop to the overflow that was inundating the petitioner's lands for about twenty arpents the greater part of which had been put under cultivation by his slaves and is now completely ruined. There are at times as much as two feet of water standing on it caused by the faulty drainage of Munro's place because he has not executed Mr. Dutisne's orders. He asks that experts be ordered to examine the land and estimate the damage done. The Commander rules: Let both parties be notified to appear.

Mr. Sigu presents a second petition dated May 20, 1779, in which he sets forth that Mr. Munro daily holds infamous

and audacious conversations about him, saying: That he is an "f of people and a Be of a rogue" (f—de genx et us Be de fourbe) and if he were a man of honor he would fight with him with a sword or pistol, but there is no reason for such talk he has never done anything to him and has always treated him with respect and has on the contrary rendered him services. Luis Dutisne orders this petition presented to the other party to be answered.

The plaintiff presents a third petition dated June 12, 1779, telling how David Munro continues to insult him and how his slaves had spent the greater part of the winter making his garden and to protect this he had had to build a levee to hold back Mr. Munro's water, but to no avail. He reiterates his troubles with this neighbor going to some length to give details.

A fourth petition by Sigu dated June 18, 1779, asking to present witnesses to give certain information necessary to his cause. To this effect Luis Dutisne, Juan de la Villebeuvre and Thomas de Acosta each made a declaration. The first to appear is Luis Dutisne, Lieutenant Governor, and Commander of the Post in this district of Iberville, Parish of St. Gabrielle certifies that Mr. Sigu is a resident of this district he has never heard any complaint against him. On the contrary he has always comported himself as a man of honor. He has been told of and has seen a passport properly drawn up for him to leave France signed by all the Justices of the city of Ponta Mousson the city that Mr. Sigu left. In this passport it was stated that Mr. Sigu was a counsellor in that place and that he always conducted himself there as a man of honor and probity and that no complaints had ever been made against him and that since Mr. Sigu had been named Lieutenant of Militia of a Company of his district he has complied with his duties with exactitude and all possible zeal for the service. In faith of which he has delivered the present to be of service to him when it will be needed. Given in Iberville June 16, 1779. Captain of the Regiment.

Juan de La Villebeuvre certifies that Mr. Sigu de Roche has always conducted himself as a man of honor and probity during the time the witness has been at Manchac and when he had need of him in the services of the King while he, La Villebeuvre, commanded that Post he always conducted himself with zeal and gave proofs of his attachment to the Service of His Majesty. He also certifies that he has shown him a passport signed by all the Justices of a city called Pontamousson where the said Mr. Sigu resided and where he had served as counsellor at the City Hall and that they also certified that Mr. Sigu had always conducted himself with honor and equity in this office and that there was never any complaint against him. He further testifies that Mr. Sigu de Roche returning from the city to Manchak lost his port-folio, en route, in which

he had all his papers and in consequence lost his passport according to what he told him when he arrived at the post. In testimony whereof he delivers this certificate to him to serve him when it will be needed. Given at New Orleans, June 28, 1779.

Thomas de Acosta, Lieutenant of Infantry for the King in Louisiana certifies upon his word of honor that in the month of August, 1775, upon becoming Commander of Militia at the Post of St. Gabriel of Manchak and its dependencies, Mr. Sigu de Roche presented himself to him as then a Lieutenant in one of the Companies of Militia at Iberville, when he asked him to look at various papers, among them a passport for his legitimate emigration from the Kingdom of France and a certification of the counsellors of Porta Moucon in the said Kingdom to prove that he had been a counsellor in that city and that in all the time that he had lived there he comported himself with honor and integrity. The passport and certification were printed and had at the head the shield and arms of the forenamed city. In the two years and a half that he had command in Manchak it appeared to him that he lived on the best of terms and in perfect harmony with all the rest of the inhabitants of that district and in testimony whereof at his request he gives the present in New Orleans, July 1, 1779. Signed Thomas de Acosta.

Lieutenant Laurant Sigu's next petition is dated June 23, 1779, so the opening exhibit dated June 20, must have been obtained just prior to this entry. He requests permission from Commander Dutisne to leave Iberville to go to the city to present himself in the Governor General's Court to ask him to render judgment in the present suit he prosecutes against Mr. Munro, also asking Mr. Dutisne to instruct him in the proper procedure. The Commander rules permitting the petitioner to leave and orders that this request delivered to Mr. Munro so that he may not be ignorant of the cause and that he may answer, Iberville, June 23, 1779.

This is followed by five certifications signed by Jean Bros., Joseph Orrillon, Pierre Domainque, Pierre Fabre and Francois Marionot. Their testimony is simply a repetition of the gossip given in the early petitions, that Mr. Munro had said that Mr. Sigu was an f. of a person and a B. of a knave and that if he was a man of honor he would fight and he hoped they would tell him.

David Menerot (Munro) then presents a petition making counter charges against Mr. Sigu, claims that he has called him a rogue and sent all sorts of insulting messages by a soldier Joseph Orrillion. He closes by praying that Mr. Sigu be ordered to pay him a note of 9 piastres gourdes that he owes and that he be made to pen up his cattle because they will injure the petitioner's crops. Dutisne orders this request

sent to Sigu and in a second ruling decrees that Mr. Sigu must pen up his cattle or Mr. Munro may retain them to pay for whatever damage the beasts may have done.

This is followed by a very long petition by David Munro, filled with complaints and repetitions of the petty quarrels between two neighbors with a great deal of wrong on both sides. Munro's land badly drained overflows into Sigu's plantation and the latter's cattle trample down the former's corn fields because they are not properly penned up. They call each other rogues and cowards and each one refuses to fight the other because he is not a man of honor. There is further complaint about the 9 piastres the plaintiff owes him that he has never been able to collect. This petition is dated June 17, 1779, and was therefore presented before th dispute was submitted to arbitration.

The next entry is a deposition before Luis Dutisne made by Pierre Doumaingue and Petit Jens Braux to the effect that Mr. Sigu went to Joseph Orelion's house to talk to Mr. Munro on the subject of the water that was flooding his land and that while he was there they heard him call Mr. Munro a rogue. Dutisne declares that the said witnesses refused to sign. June 21, 1779.

The case at last arrives at the Court of Governor Bernardo de Galvez and on Licienciado Postigo's advice he decrees: "Let the appointment of experts be entrusted to Don Luis Dutisne, Commander of the Post of Iberville, so that these may appraise the twenty arpents of land, the part that Lieutenant of Militia, Don Lorenzo Sigu says he has not been able to plant in rice because it has been inundated by the bad drainage of his neighbor, David Munro and done let a just price be put on the said lands and let a copy of this decree be given to David Munro and so that these proceedings may be carried out let the records of the case be transmitted to this Tribunal sending the originals here. Dated July 5, 1779.

The arbitrators appointed by Luis Dutisne are Mr. Casidens Bert, Francois Le Conte and Pierre A. Clouatre and after taking oath declared that the damage caused to Mr. Sigu by Mr. Munro has been estimated by experts at one hundred barrels of rice in the straw and they certify to the truth of this and in testimony whereof they signed the present. All except Pierre A. Clouatre who said he could not write. Dated Iberville, July 14, 1779.

Dutisne certifies that he notified Davis Munro of Galvez' decree. He then certifies that the three arbitrators have settled the price for the damages done to the plaintiff's rice and are known to him as honest men and have decided as above. This ends the record.

April 18.

**Proceedings for the  
survey of Mr. Blanchard's  
(Planchard) lands and  
those of the Destrehan  
minors.**

No. 3592. 8 pp.

Court of Governor Galvez.

No Assessor.

Escribano, J. B. Garic.

The parties name arbitrators  
and their decision is  
confirmed by the Governor.

rules accordingly. Desprez is notified and qualifies.

Planchard in a long petition tells of all the trouble he has had with Mr. Baure over the marking of the boundaries and agrees to submit to arbitration naming Joseph Chalon as his representative. The latter is accepted by the Court and qualifies. Baure then petition for the Court to name a third in discord which Galvez does in the person of Guido Dufossat, who also accepts and takes oath.

The sentence by arbitration is dated May 22, 1779, signed by Guido Dufossat, Joseph Chalon and Henry Desprez and is to the effect that they have been called upon to mark the boundaries of a piece of land at the German Coast. They have duly examined all papers, titles and attestations produced by the parties, they have also considered the contradictions that they have found in various certificates and proces-verbeaux of Mr. de Verges engineer in chief of this colony, one of Mr. Lalande de Ferriere and also one of Mr. Luis Andry, concerning the direction of the boundary line in question. They have unanimously determined that the limit in Mr. Lalande de Ferriere's proces-verbal course from north 17 degrees in the east will be changed and will run forward from north twenty-five degrees in the east, all variations corrected. In consequence the angle of eight degrees that we have found to belong to Mr. Planchard must remain with Mr. Destrehan until after the harvest because he has planted it with full security believing that it belonged to him. We are of opinion that Mr. Planchard must not enter into possession of what has been allotted to him until the end of this year giving the Destrehan minor sufficient time to gather his crops and to remove all buildings that he has built on that part of the land.

Bore petitions the Court to approve the sentence by arbitration and to interpose its authority and judicial decree and to order all to abide by it. Galvez rules with the consent of the parties he approves the sentence by arbitration and condemns all to abide by it interposing his authority and judicial decree. This ends the record.

Juan Baptist Estevan Bore, curator to Juan Noel Destrehan in the litigation pending against Mr. Blanchard over the boundary line between his land and that of the minor, alleges that they have both agreed to name an arbitrator so as to end the suit. He names Henrique Desprez and asks that Mr. Planchard be ordered to name his within a short space of time with a warning to proceed with the appointment should he fail to do so. Galvez

April 19.

**Alexandre Baure vs.  
Margarita Chauvin Delery,  
widow of Soubador or  
Soubadon.**

No. 3584. 8 pp.

Court of Governor Galvez.

No Assessor.

Escribano, J. B. Garic.

To collect a contribution due by defendant for work closing a crevasse.

to notify Mrs. Soubadon that she must pay for the days' work that she owes. Nicolas Fromentin certifies that on April 21, 1779, he notified Mrs. Soubadon that she must pay 103 piastres that she owes for the days' labor of the negroes who worked to stop the crevasse on her plantation.

The second entry is the certified copy of the notarial act appointing Leonardo Mazange attorney to Alexandre Baure to prosecute this suit, the case proper now begins with the plaintiff's petition saying that although some time has elapsed since the decree condemning the defendant to pay was served on her but she has done nothing, therefore he prays for a writ of execution, Galvez orders Mrs. Soubadon to pay within 8 days, otherwise executorial proceedings will be taken against her. The defendant still does not pay although Fromentin certifies that he has served the foregoing decree in person. Alexandre Baure reiterates his plea for a writ of execution. Galvez orders the writ issued and it is issued, but apparently never served as the record ends here.

(To be Continued)



STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION,  
ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, of the  
Louisiana Historical Quarterly, published at New Orleans, Louisiana, for April 1st,  
1930.

State of Louisiana, Parish of Orleans, ss.

Before me, a Notary Public, in and for the State and parish aforesaid, personally appeared Henry P. Dart, who having been duly sworn according to law, deposes and says that he is the Editor and Archivist of the Louisiana Historical Quarterly and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in Section 411, Postal Laws and Regulations, to-wit:

1. That the names and addresses of the publishers, and the editor, are:

Publisher, The Louisiana Historical Society, The Cabildo, New Orleans, La.;  
Editor, Henry P. Dart, 1822 Canal Bank Building, New Orleans; Managing Editor,  
None; Business Manager, None.

2. That the owner is The Louisiana Historical Society, The Cabildo, New Orleans, La.

3. There are no stockholders, but the officers are: Edw. A. Parsons, Pres.;  
Andre Lafargue, 1st Vice-Pres.; Jas. A. Renshaw, 2nd Vice-Pres.; James Wilkinson,  
3rd Vice-Pres.; Geo. C. H. Kernion, Treasurer; Henry P. Dart, Archivist and  
Editor; R. W. Colomb, Recording Secty.; Henry M. Gill, Corresponding Secty.

(Signed) HENRY P. DART, Editor.

Sworn to and subscribed before me this 14th day of April, 1930.

(Signed) JOHN DART, Notary Public.

(My commission expires at death.)

